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REPORT
OF
THE COMMISSION FOR

SCHEDULED CASTES
AND
SCHEDULED TRIBES

(April 1985 — March 1986)

EIGHTH REPORT

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D.O. No. 4/1/SCTC/87-C. Cell

Telegram : "CASTRICOM"

CONFIDENTIAL

भारत सरकार

राष्ट्रीय अनुसूचित जाति तथा अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

(MINISTRY OF WELFARE)

पांचवी मंजिल, लोकनायक भवन
नई दिल्ली-110003

BHEEKHA BHAI

Chairman

Tel : 619244 (Off.)

383114 (Res.)

Floor V Loknayak Bhawan
New Delhi-110003

November 6, 1987

Dear Dr. Rajendra Kumari,

In terms of para 6 of the Resolution setting up the erstwhile Commission for Scheduled Castes and Scheduled Tribes, I have the honour to submit to the President the Annual Report of activities for the year 1985-86.

Yours Sincerely,

Bheekhabhai

(Bheekha Bhai)

Dr. Rajendra Kumari Bajpai,
Minister of State for Welfare,
Government of India,
Shastri Bhavan,
NEW DELHI.

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CHAPTER I

INTRODUCTION

The Commission for Scheduled Castes and Scheduled Tribes was set up in 1978 by a Resolution of the Ministry of Home Affairs No. 13013/9/77-SCF (I) dated 21 July 1978 (Annexure I). The Commission consists of a Chairman and three Members. The Special Officer appointed under Article 338 of the Constitution *i.e.* the Commissioner for Scheduled Castes and Scheduled Tribes is also an Ex-officio Member of the Commission. The composition of the Commission during the year was as follows :

Shri Bheekha Bhai, Member from 22-10-85 to 23-2-86

(Took over as Chairman from 24-2-86)

Shri R. C. Chiten Jamir, Member from 5-9-83
Ven'ble Lama Lobzang, Member from 28-7-84

Shri D. L. Baitha, Member from 31-3-86

Dr. B. D. Sharma, Ex-officio Member from 11-2-86

1.2 The Commission is assisted by a secretariat with headquarters at Delhi and seventeen field offices located in the States. Twelve of the field offices are headed by Directors and five by Deputy Directors. The secretariat is headed by an officer of the rank of Secretary to Government. The organizational chart of the Commission's Secretariat and field set-up is given at Annexure II.

1.3 The Commission has specifically been charged with the following responsibilities :

- (i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would, *inter alia*, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes, are, in practice, implemented.
- (ii) To study the implementation of Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.
- (iii) To ascertain the socio-economic and other relevant circumstances accounting for the

commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures including measures to ensure prompt investigation of the offences.

- (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

1.4 The Commission has been authorised to devise its own procedures for discharging the above mentioned functions. The Commission entertains representations from the members of the Scheduled Castes and Scheduled Tribes, and makes enquiries in respect of the representations either by writing to the concerned State Governments or through its own officers. The matter is then taken up with the concerned State Governments in an effort to ensure that the rights of the aggrieved parties are restored. During the year under report 4275 representations pertaining to 864 cases of service grievances were received at the headquarters alone. Similarly 969 representations pertaining to atrocities on Scheduled Castes and Scheduled Tribes, untouchability cases, minimum wages and bonded labour system were also received. The number of representations that concerned land, housing, drinking water, employment, education, financial assistance and legal aid were 1497 from the Scheduled Castes and 174 from the Scheduled Tribes, which were all attended to during the year.

The Commission also takes up matters that are reported in the national and local newspapers, and during the year 802 such cases of atrocities, untouchability, etc. were investigated.

1.5 In order to collect first hand information on the status of the Scheduled Caste and Scheduled Tribe population, and also on the progress of the implementation of the various welfare schemes/programmes being implemented by the State Governments, the Commission undertakes field visits to the States. During the year the Commission visited the States of Bihar, Himachal Pradesh and Madhya Pradesh. In addition Members individually visited the States of Jammu and Kashmir, Maharashtra, Uttar Pradesh,

Assam, Nagaland, Manipur, Rajasthan and Gujarat. A "Padyatra" was also undertaken by Ven'ble Lama Lobzang. The "Padyatra" started from Raj Ghat, New Delhi on 30-9-85 and terminated at Lucknow on 5-11-85, during which 142 villages in 9 districts of Uttar Pradesh were covered, and as many as 1246 representations were received from the people. At the end of the "Padyatra", the Member had a meeting at Lucknow with the Chief Minister of Uttar Pradesh and senior officers of the State Government on developmental and related aspects of Scheduled Castes and Scheduled Tribes in the State.

1.6 The Commission is largely dependent upon the Central Ministries and State Governments for the information and data that it requires for monitoring the implementation of the Constitutional and other safeguards for Scheduled Castes and Scheduled Tribes. The experience of the Commission in getting the information from State Governments has been far from satisfactory as the information and reports are sent

only after repeated reminders, and personal contacts, and that too, with considerable delay. Often the information sent is incomplete. The Commission would, therefore, urge upon all the State Governments to supply the requisite information speedily.

1.7 Though the Commission has endeavoured to do its best within the framework of the Government Resolution, it has faced considerable difficulty as it neither enjoys a Constitutional status nor has any powers under the Commissions of inquiry Act, 1952. This has already been brought out by the Commission in successive annual reports. It may be recalled here that the intention of the Government of India has been to make the Commission a permanent Constitutional body, and with this objective, the Constitution (Forty Sixth) Amendment Bill, 1979 was brought up in Parliament. The Commission is convinced that in order to make it effective Government should confer on it Constitutional status, and vest, it with the powers of a Commission of Inquiry under the Commissions of Inquiry Act, 1952.

[To be Published in The Gazette of India, Part 1,
Section (i)]

MINISTRY OF HOME AFFAIRS
(GRIH MANTRALAYA)

New Delhi, the 21st July, 1978
30 Asadha, 1900

RESOLUTION

No. 13013/9/77-SCT. I

Article 338 of the Constitution provides for the appointment of a Special Officer for the Scheduled Castes and Scheduled Tribes who is charged with the duty to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President upon the working of these safeguards at prescribed intervals. In pursuance thereto, a Special Officer, commonly known as Commissioner for Scheduled Castes and Scheduled Tribes, is appointed by the President from time to time. Considering the magnitude of the problem, the Government are of the view that in addition to the functioning and authority of the Special Officer, these matters should appropriately be entrusted to a high level Commission consisting of persons of eminence and status in public life. The functioning of the Commission will not be lessening the authority of the Special Officer

2. Government have accordingly decided to set up a Commission for this purpose which shall consist of a Chairman and not more than four other Members, including the Special Officer appointed under Article 338 of the Constitution. The term of office of the Chairman and the Member of the Commission will not ordinarily exceed three years.

3. The headquarters of the Commission will be located at New Delhi.

4. The functions of the proposed Commission will broadly correspond with the functions at present entrusted to the Special Officer under Article 338 of the Constitution and will be as follows :—

(i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would *inter alia*, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes are in practice, implemented.

(ii) To study the implementation of Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.

(iii) To ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures including measures to ensure prompt investigation of the offences.

(iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

5. The Commission will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Commission from time to time. The Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Commission.

6. The Commission will submit an Annual Report to the President detailing its activities and recommendations. This will, however, not preclude the Commission from submitting Reports to the Government at any time they consider necessary on matters within their scope of work. The Annual Report together with a memorandum outlining the action taken on the recommendations and explaining the reasons for non-acceptance of recommendations, if any, in so far as it relates to the Central Government will be laid before each House of Parliament.

ORDER

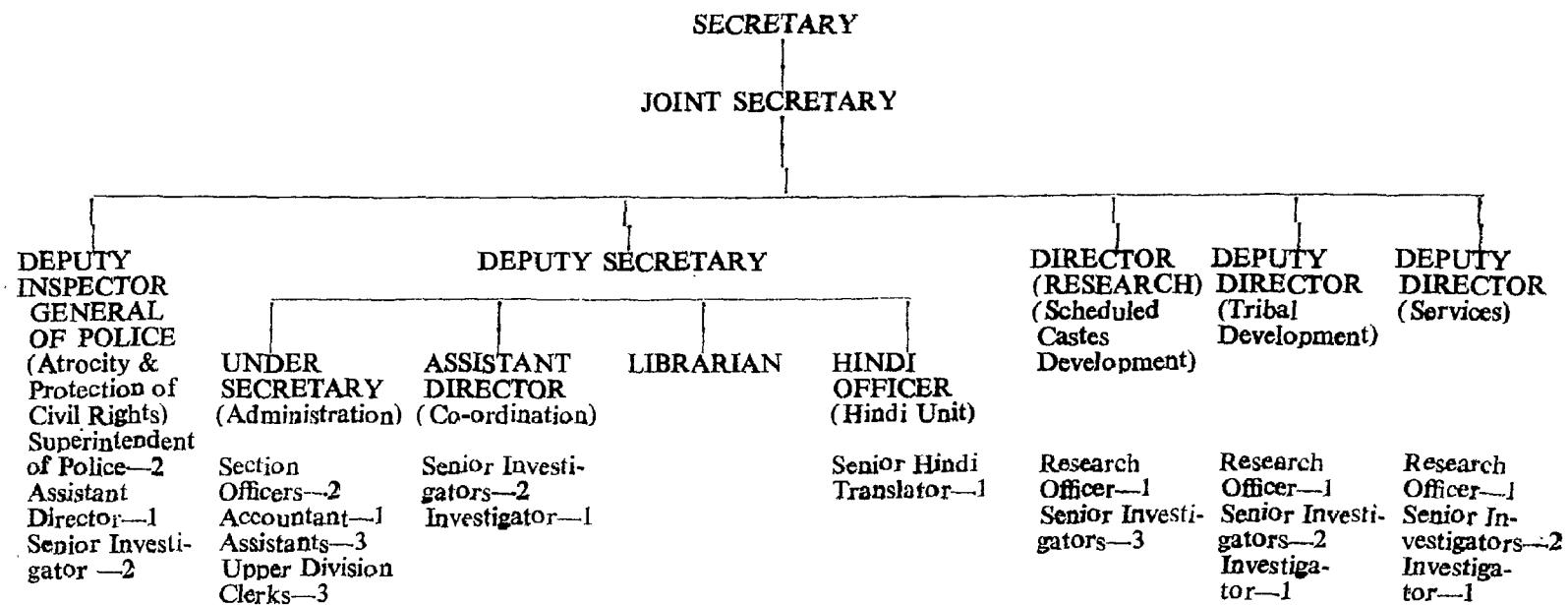
Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India, State Governments and Union Territory Administrations, etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd./-
(B. G. DESHMUKH)
Additional Secretary

COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES ORGANISATIONAL CHART

A: HEADQUARTER



B. FIELD OFFICES

| DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR | DIREC-TOR |
|-------------------------------------------|-----------------------|-------------------------|----------------------|-----------------------------------------------------------|----------------------------|--------------------|-------------------------|---------------------|--------------------------------------|---------------------------------------------------------------------|---------------|
| Ahmedabad (Gujarat, Dadra & Nagar Haveli) | Bangalore (Karnataka) | Bhopal (Madhya Pradesh) | Bhubaneswar (Orissa) | Calcutta (West Bengal, Sikkim, Andaman & Nicobar Islands) | Hyderabad (Andhra Pradesh) | Jaipur (Rajasthan) | Lucknow (Uttar Pradesh) | Madras (Tamil Nadu) | Pune (Maharashtra, Goa, Daman & Diu) | Shillong (Meghalaya, Nagaland, Manipur, Mizoram, Arunachal Pradesh) | Patna (Bihar) |
| RO—1 | RO—1 | AD—1 | AD—1 | RO—1 | RO—1 | RO—1 | RO—1 | RO—1 | AD—1 | AD—1 | AD—1 |
| Sr. | Sr. | Sr. | Sr. | Sr. | Sr. | Sr. | Sr. | Sr. | Sr. | Sr. | Sr. |
| Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 | Inv.—1 |
| Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 | Inv.—2 |
| Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 | Supdt.—1 |
| UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 |
| PA—1 | PA—1 | PA—1 | PA—1 | PA—1 | PA—1 | PA—1 | PA—1 | PA—1 | PA—1 | PA—1 | PA—1 |
| LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 | LDCs—2 |

| DY. DIRECTOR | DY. DIRECTOR | DY. DIRECTOR | DY. DIRECTOR | DY. DIRECTOR |
|------------------------------------------|--------------------|---------------------------------|----------------------------------|------------------|
| Chandigarh (Punjab Haryana & Chandigarh) | Agartala (Tripura) | Shimla (Himachal Pradesh & J&K) | Trivandrum (Kerala, Lahshadweep) | Guwahati (Assam) |
| AD—1 | RO—1 | RO—1 | RO—1 | RO—1 |
| Sr. Inv.—1 | Sr. Inv.—1 | Sr. Inv.—1 | Sr. Inv.—1 | Sr. Inv.—1 |
| UDC—1 | UDC—1 | UDC—1 | UDC—1 | UDC—1 |
| LDC—1 | LDC—1 | LDC—1 | LDC—1 | LDC—1 |
| Steno—1 | Steno—1 | Steno—1 | Steno—1 | Steno—1 |

Legend : AD : Assistant Director
 RO : Research Officer
 Sr. Inv : Senior Investigator
 Inv. : Investigator

Supdt. : Superintendent
 UDC : Upper Division Clerk
 PA : Personal Assistant
 LDC : Lower Division Clerk.

CHAPTER II

CONSTITUTIONAL SAFEGUARDS FOR SCHEDULED CASTES AND SCHEDULED TRIBES AND RESERVATION IN SERVICES

The Directive Principles contained in Article 46 of the Constitution provide that :

"The state shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

Specific provisions have been made in the Constitution for promoting and safeguarding the interests of Scheduled Castes and Scheduled Tribes. These are given in Annexure I.

Reservation in Services

2.2 The Constitution provides for equality of opportunity in matters of public employment. Article 16(4) provides for reservations in appointment in favour of the backward class citizens who, in the opinion of the State, are not adequately represented in the services. Article 335 stipulates that the claims of the Scheduled Castes and Scheduled Tribes shall be taken into consideration while making appointments in the services, consistently with the maintenance of efficiency in administration. The Commission has been constantly concerned about this subject, and in order to ensure that service interests of the Scheduled Castes and Scheduled Tribes are adequately safeguarded while implementing the Government Policy on reservations, it has been making specific recommendations from time to time in its Annual Reports. In the Second Annual Report (Recommendation No. 423) the Commission recommended full exemption of fees payable by the Scheduled Caste, and Scheduled Tribe candidates for admission to any recruitment examination/selection in order to alleviate their financial difficulty.

In its Third Annual Report (1980-81) the Commission recommended (Recommendation No. 53) that the percentage of reservations should be prescribed in accordance with the percentage of population of Scheduled Tribes in the states so that the process of their recruitment is not unduly delayed. In the Fourth Annual Report (1981-82) the Commission recommended (Recommendation No. 18) that various organisations in the Central Government, Public

Undertakings, State Governments and Union Territory Administrations should arrange Appreciation/Orientation Courses for the officers. The Commission also suggested that the facilities of Orientation Programmes should be made available to the office bearers of Scheduled Caste/Scheduled Tribe Associations so that they become more knowledgeable and objective in their approach while representing cases of service grievances to appropriate authorities. Recommendation No. 19 of the same Report suggested imparting of inservice training to Scheduled Caste/Scheduled Tribe employees immediately after their employment so that they could improve their efficiency and working potentiality. In the Fifth Annual Report the Commission recommended (Recommendation No. 45) the revision of the reservation quota because in some of the States/Union Territories there had been an increase in the population percentage of the Scheduled Castes/Scheduled Tribes, as per the 1981 Census, and it was felt necessary to provide for reservation in proportion to the population percentages.

2.3 The Commission is happy to note that the recommendations have been considered by the concerned Departments and Ministries and several of them have issued appropriate instructions during the year under report. The Department of Personnel & Training vide their O.M. No. 36013/3/84-Estt. (SCT), dated 1-7-85 has issued instructions exempting Scheduled Caste and Scheduled Tribe candidates from payment of admission and examination fees. The Ministry of Finance, vide its Letter No. F. 5/5/85-Sct(B), dated 18-4-85, has addressed all heads of the Nationalised Banks and other Financial Institutions calling upon them to include in the courses meant for their officers, a few lectures on government policy on reservations for Scheduled Castes/Scheduled Tribes. It has also been stipulated that persons handling the work relating to reservations for Scheduled Castes/Scheduled Tribes should be exposed to intensive training on the subject and there should be more intensive training courses, preferably in separate batches, for the Scheduled Caste/Scheduled Tribe employees themselves.

2.4 The Department of Personnel & Training vide their O.M. No. 36013/4/85-Estt (SCI), dated 24-5-85 have accepted the recommendations of the Third Annual Report for the revision of the quota of

reservations for Scheduled Castes and Scheduled Tribes on the basis of the proportion of their population in the various States/Union Territories according to the 1981 Census. It has also been decided to revise w.e.f. 1-6-85 the 100-point rosters for all States except Assam where the Census figures were not available. Consequently the prescribed reservation of 5% was automatically withdrawn. As this had an adverse effect in Uttar Pradesh, where the Scheduled Tribe population constituted only 0.21% of the total population of the State the Department of Personnel & Training, vide their O.M. No. 36013/4/85-Estt. (SCT), dated 12-2-1985, provided for 1% reservation for the State. The 100-point roster for the State has also been revised accordingly with effect from 1st February, 1986.

Representation of SCs & STs in the services

2.5 The actual position of representation of the Scheduled Castes and Scheduled Tribes in different

groups of posts and services under Government of India, Public Sector Undertakings and the State Governments/UT Administrations is regularly monitored by the Commission. The latest information about the actual representation of Scheduled Castes and Scheduled Tribes in different groups of posts in the Ministries and Departments under the Government of India is available upto 1-1-84 only and contained in the Annual Report of the Department of Personnel and Training. This information has been incorporated in our Seventh Annual Report. In regard to Public Sector Undertakings however, the information contained in the Annual Report of the Bureau of Public Enterprises is available upto 1-1-85. A comparative statement of the representation of Scheduled Castes and Scheduled Tribes in the Public Enterprises as on 1-1-75 and 1-1-85 is as follows :—

| Group of Posts | No. of employees as on 1-1-85 | | | % of actual representation as on | | | |
|-----------------|-------------------------------|----------|----------|----------------------------------|----------|--------|--------|
| | Total | SC | ST | 1-1-75* | 1-1-85** | 1-1-75 | 1-1-85 |
| | | | | SC | ST | SC | ST |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| A | 1,45,710 | 6,010 | 1,300 | 1.44 | 4.12 | 0.30 | 0.89 |
| B | 1,47,121 | 8,100 | 2,315 | 3.02 | 5.50 | 0.42 | 1.57 |
| C | 13,70,500 | 2,51,400 | 1,18,100 | 13.73 | 18.34 | 5.97 | 8.61 |
| D | 3,90,010 | 1,06,115 | 59,000 | 26.29 | 27.20 | 11.95 | 15.12 |

Source : Public Enterprises Survey, 1984-85, Volume-I.

*Information relating to 120 Public Enterprises.

**Information relating to 200 Public Enterprises.

2.6 The above table shows a considerable improvement in the intake position of both Scheduled Castes/Scheduled Tribes in all groups of posts during the last decade, particularly in group C posts, where the prescribed quota of 15% for Scheduled Castes and 7.5% for Scheduled Tribes was fully achieved. The Commission however, has observed that the representation of both Scheduled Castes and Scheduled Tribes in group A and B posts has persistently been below the prescribed quota and would therefore recommend that the Bureau of Public Enterprises should take special steps to achieve the desired results.

Nationalised Banks and other Financial Institutions

2.7 The details of the actual representation of Scheduled Castes and Scheduled Tribes in the Officers, Clerks and Sub-staff grades in 34 Nationalised Banks and other Financial Institutions have been examined on the basis of information available with

the Banking Division of the Ministry of Finance. The percentage of their actual representation in the three categories of posts as on 1-1-83, 1-1-84 and 1-1-85 are as follows :—

| Categories of Posts | Actual representation in percentage | | | | | |
|---------------------|-------------------------------------|--------|--------|--------|--------|--------|
| | 1-1-83 | 1-1-84 | 1-1-85 | 1-1-83 | 1-1-84 | 1-1-85 |
| | SC | SC | ST | ST | ST | ST |
| Officers | 4.64 | 4.05 | 5.72 | 1.07 | 1.34 | 1.47 |
| Clerks | 12.96 | 13.48 | 13.83 | 2.75 | 2.95 | 3.41 |
| Sub-staff | 22.35 | 22.95 | 23.79 | 4.33 | 3.96 | 4.32 |

Source : Annual Report 1985-86. Ministry of Finance.

The above shows an improvement in the intake position of Scheduled Castes and Scheduled Tribes in all the three categories of posts although the prescribed quota of reservation for Scheduled Castes is achieved in the Sub-staff grade only. In the Clerks grade, their intake increased from 12.96% as on

1-1-83 to 13.48% as on 1-1-84 and to 13.83% as on 1-1-85. But in respect of the posts in the Officers grade, the representation has continued to remain inadequate at the level of 5.72% against the prescribed quota of 15%. The position with regard to Scheduled Tribes has been far from satisfactory. Despite a steady increase in their intake during the last three years, the backlog in the actual representation has continued to be heavy in all the grades.

State Governments/UT Administrations

2.2 The details of actual representation of Scheduled Castes and Scheduled Tribes in services were received only in respect of five States. These have been given in Annexure II.

Karnataka : In Karnataka, the prescribed quota of actual representation of Scheduled Castes has been achieved only in Group D posts. As on 1-1-85, the representation of Scheduled Castes in Group A, B and C posts was 12.61%, 8.78% and 10.32% respectively against the prescribed quota of 15%.

The representation of Scheduled Tribes was 2% in Group A posts but in Group B and C posts, it was lower being 1.91% and 1.53% respectively. The Scheduled Tribes constituted 2.74% of the total employees in Group D posts. The intake position of Scheduled Tribes was not proportionate to the population percentage of 4 on the basis of 1981 Census.

Madhya Pradesh : The prescribed quota of reservations in services is not uniform for all Groups of posts. The Scheduled Castes constituted 14.10% of the total population of the State (1981 Census), and the reservation provided for them is 15% in Class I and II posts and 16% in Class III and IV posts, but the actual representation of Scheduled Castes in services as on 1-1-86, was extremely poor being only 2.13% in Class I, 5.31% in Class II, 9.17% in Class III and 11.75% in Class IV posts. It is indeed disappointing that even in Class IV posts the prescribed quota of representation has not been achieved. In case of Scheduled Tribes reservation quota has been fixed below the percentage of their population to the total which is 22.97%. In Class I and II posts the reservation provided to Scheduled Tribes was 18% and in Class III and IV posts it was only 20%. The actual representation of Scheduled Tribes has been very low in all the Classes of posts, being only 1.04%, 2.44%, 9.45% and 8.67% in Class I, II, III and IV posts respectively.

Rajasthan : The latest position with regard to the representation of Scheduled Castes/Scheduled Tribes

pertains to the year ending 31-12-83. The percentages of Scheduled Caste employees in Class III and IV posts were 17.98 and 26.60 being above the prescribed quota of 16 %. In Class I and II posts, however, there were shortfalls as their representation was 13.26% and 11.85% respectively.

There has been heavy backlog in representation of Scheduled Tribes in the services except in Class IV posts where it was 20.59%. In respect of Class I, the actual representation was a mere 2.40%, and in Class II and Class III it was 7.81% and 5.80% respectively which was very low as the Scheduled Tribes constitute 12.21% of the total population of the State on the basis of the 1981 Census.

Sikkim : No quota has been prescribed by the Sikkim Government for providing reservations for the Scheduled Castes and Scheduled Tribes in services, but the intake position as compared to their population percentage in the State was quite satisfactory. The Scheduled Castes constituting 5.78% of the total population of the State account for 6.17% of the total Class I employees and in Class IV also, their representation of 11.34%, was more than their population percentage. But in Class II and III posts their representation was only 2.39% and 4.12% respectively.

In the case of Scheduled Tribes the representation in all Classes of posts was more than their population percentage of 23.27 being 32.16 per cent, 27.79 per 27.00 per cent and 29.12 per cent, in Class I, II, III and IV respectively.

Tamil Nadu : According to the 1981 Census, 18.35 per cent of the total population of Tamil Nadu are Scheduled Castes and 1.07 per cent are Scheduled Tribes, but reservation is not provided separately for Scheduled Castes and Scheduled Tribes. As on 1-1-85, the representation of Scheduled Castes and Scheduled Tribes in all groups of posts was less than the prescribed quota. The shortfall was more pronounced in Class I posts in which the Scheduled Caste Officers constituted only 6.0% of the total employees in the cadre. In Class II, III and IV posts, the representation of Scheduled Castes was 13.5 per cent, 11.9 per cent and 15.7 per cent respectively, while for Scheduled Tribes it was less than 1 per cent in all classes of posts.

2.9 The actual representation of Scheduled Castes and Scheduled Tribes in service is unfortunately poor in all the States and the Commission in its Seventh Annual Report has already urged that specific measures like launching of special recruitment drives be taken up to improve the intake position of Scheduled

Castes/Scheduled Tribes in all groups of posts. This recommendation is again reiterated.

2.10 It has also come to the notice of the Commission that some of the special concessions provided to Scheduled Castes/Scheduled Tribes in services by the Government of India were not extended in Rajasthan. In Rajasthan, the Scheduled Castes and Scheduled Tribes were not exempted from payment of application and examination fees. The Commission would urge that the Rajasthan Government and other State Governments who have not granted this concession to Scheduled Castes/Scheduled Tribes, should take prompt action so that Scheduled Castes/Scheduled Tribes are not deprived of the benefits which have been granted to their counterparts in the other States.

2.11 The Commission has also observed that the Rajasthan Government has not made any provision for nominating a Scheduled Caste/Scheduled Tribe officer as a Member of the Recruitment Boards/Departmental Promotion Committees. The matter was taken up by our Jaipur field office with the Government of Rajasthan who clarified that since Liaison Officers were appointed in each department to look into the interests of the Scheduled Castes/Scheduled Tribes, it was not felt necessary to nominate Scheduled Caste/Scheduled Tribe officers as Members in Selection Boards/Departmental Promotion Committees. Since the role and functions of the Liaison Officers are different and they are not available in the Interview Boards to protect the interests of the Scheduled Castes/Scheduled Tribes, it is necessary that such Selection Boards/DPCs including the State Public Service Commission should have one member representing the Scheduled Caste/Scheduled Tribe.

2.12 The reservation rules of Rajasthan Government do not provide for carrying forward the reserved vacancies. It is necessary that a provision is made for carrying forward all reserved vacancies. In order to prevent the vacancies reserved for the members of Scheduled Castes/Scheduled Tribes from lapsing the Government of India has provided that where the vacancies reserved for Scheduled Castes cannot be filled up due to non-availability of Scheduled Caste candidates even in the third year to which the reservation is carried forward, the same may be filled up by Scheduled Tribe candidates and *vice versa*. There appears to be no such provision for exchange of reserved vacancies between Scheduled Castes and Scheduled Tribes in Rajasthan, and the State Government has held that such exchange of vacancies would create complications. This is not a correct view and goes against the interests of Scheduled Castes/Scheduled Tribes. It is, therefore, necessary that the vacancies

reserved for Scheduled Castes be exchanged for Scheduled Tribes and *vice versa* after carrying them forward for three recruitment years and a provision to this effect should be made by the State Government in its reservation rules.

State Public Sector Undertakings

2.13 According to the information available with this Commission the Commissioner for Public Enterprises, Kerala conducted a study of 83 Public Sector Undertakings in the State to review the Working of the reservation rules in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the State Public Sector Undertakings. The main findings of the study and the recommendations made therein are contained in G.O.Ms. No. 114/85/GAD, dated 20-3-85 which reveals that in 30 undertakings the representation given to the Scheduled Caste and Scheduled Tribe candidates was only between 5 per cent and 10 per cent respectively and in 32 undertakings their representation was below 5 per cent. The representation given to members of Scheduled Castes/Scheduled Tribes in the top-level executive posts and middle-level executive posts in the 83 undertakings was far below the required minimum. It has been recommended that the Administrative Departments of the Secretariat having administrative control over the Public Sector Undertakings should constitute a Review Committee under the Chairmanship of the concerned Minister with the concerned Secretary to Government as Convener and Secretary Harijan Welfare Department and the Chief Executives of the Undertakings as Members, who should review the progress of special recruitments and suggest measures to ensure the required percentage of representation to Scheduled Caste and Scheduled Tribe candidates. The Committee should meet once a quarter after receiving the quarterly review of the Bureau of Enterprises. The Commission would recommend that the suggestions made by the Commissioner for Public Enterprises, Kerala to improve the intake position of Scheduled Castes and Scheduled Tribes in services may be implemented in true spirit and that the desired quota of reservations should be fully achieved. Other States may also consider similar arrangements for improving the intake of Scheduled Castes and Scheduled Tribes in their Public Sector Units.

Studies/ Surveys conducted during 1985-86

2.14 During 1985-86 the Commission conducted seven studies in order to review the implementation of the Presidential Directives on various safeguards in different organisations. One study was on the working and living conditions of sweepers and scavengers, and six studies were on the working of service safeguards

provided for Scheduled Castes and Scheduled Tribes in Public Sector Undertakings.

A. Study on the working, living and service conditions of sweepers and scavengers

2.14.1 The study was conducted by the field office at Bhubaneshwar and covered Cuttack, Bhubaneswar, Berhampur and Sambalpur Municipalities and Banki Notified Area Council. The study revealed that a large number of workers appointed on temporary and casual basis as sanitation workers belonged to the Scheduled Caste Community and were paid @Rs. 8 to Rs. 9 per day. Temporary sanitation workers, on the other hand, were paid a consolidated pay of Rs. 200 per month. The scheme of providing pensionary benefits was also not in force. The sweepers and scavengers worked for 8 hours a day and their working time differed from place to place. None of the scavengers in the Banki Notified Area Council were supplied with working dress and hand gloves. Similarly none of the sanitary workers in the Municipalities/NAC under report were provided with gum-boots.

2.14.2 The colonies inhabited by sweepers and sanitary workers at Berhampur and Sambalpur were surrounded by filth and had no proper approach roads. Civic and sanitary amenities like provision of drinking water, public conveniences, electricity, etc. were also not provided in the colonies. Since the programme of housing & house sites did not receive much attention under the General Sector of the State Government, no new colonies/bastis were constructed for the sweepers and scavengers. The observations/findings of this study alongwith a copy of the report were forwarded to the Secretary, Urban Housing Development and the Public Health Department, Government of Orissa for taking suitable remedial measures.

2.14.3 In the Seventh Annual Report the Commission recommended implementation of low-cost housing schemes. Amongst other things the Commission also urged that the State Governments should *suo moto* examine the living and working conditions of sweepers and scavengers from time to time and take appropriate action to remedy the shortcomings. The recommendation is hereby reiterated.

B. Studies on the working of Service Safeguards in Public Sector Undertakings

2.14.4 During 1985-86, six studies were conducted by the Commission on the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in the following Public Sector Undertakings/ Organisations :

General Service Organisation (GSO), Department of Atomic Energy, Kalpakkam; Bharat Wa-

gon and Engineering Co. Ltd., Muzaffarpur Units, Patna; Bharat Heavy Electricals Ltd., Jhansi Unit, Uttar Pradesh; Indian Copper Complex Ghatsila, Singhbhum, Bihar; Guwahati Refinery of the India Oil Corp., Guwahati; National Fertilizers Ltd. Ropar, Punjab.

2.14.5 The studies revealed that the representation of Scheduled Castes and Scheduled Tribes in group A and B posts was extremely poor. In Muzaffarpur and Bela Units of the Bharat Wagon and Engineering Co. Ltd., Patna, there was not a single Scheduled Caste/Scheduled Tribe officer in group A and B posts from November 1983 to November 1985. The representation of both Scheduled Castes and Scheduled Tribes in group A and B posts in the General Service Organisation, Kalpakkam was nil till August 1984 and the position in group C and D posts was also poor. This low level of representation was attributed to non-availability of suitable candidates for filling up of the reserved vacancies. It was also explained that the Undertakings needed personnel with specialised educational qualifications and experience to fill up group A and B posts and it was difficult to get such candidates from amongst the Scheduled Castes/Scheduled Tribes. While some of the Public Sector Undertakings were found to be taking special steps like launching special recruitment drives for scheduled Castes/Scheduled Tribes and providing pre-recruitment training to them, most of them were ignoring the prescribed requirement for reservations.

2.14.6 Some of the undertakings were not maintaining the rosters in the form prescribed in the Brochure on Reservation for Scheduled Castes/Scheduled Tribes in Services. In the National Fertilizers Ltd., the prescribed procedure for carrying forward the unfilled reserved vacancies was not being followed. The names of the appointees were not being entered in the roster register. The entries made were incomplete and not signed and/or checked by the appointing authorities. In the Bharat Wagon and Engineering Company Ltd. the Indian Copper Complex and the Bharat Heavy Electricals Ltd., Jhansi Unit, the rosters were not being inspected by the Liaison Officer. Abstracts of the recruitments made during the year were not properly indicated in the rosters by the Bharat Wagon and Engineering Co. Ltd. and the General Service Organisation at the end of each year as per Government of India guidelines on the subject. In their advertisements the Bharat Wagon and Engineering Company Ltd., and the Bharat Heavy Electricals Ltd. did not clearly specify the number of vacancies/posts reserved for Scheduled Caste and Scheduled Tribe candidates and the various concessions/relaxations admissible to them. In the Bharat Heavy Electricals

Ltd., the caste/community certificates submitted by some of the Scheduled Caste/Scheduled Tribe employees were not in the prescribed form and needed proper scrutiny. Contrary to the guidelines issued by the Government of India, no reservation was made in allotment of residential accommodation to the Scheduled Caste/Scheduled Tribe employees in the General Service Organisation (GSO), Kalpakkam, Guwahati Refinery of the Indian Oil Corporation Ltd., and in the National Fertilizers Ltd.

2.14.7 The Bharat Heavy Electricals Ltd. was not ensuring the grouping of posts in accordance with the Government of India instructions. During 1982—85, nearly 200 vacancies in group B, C and D posts in the National Fertilizers Ltd. were got de-reserved. The principle of de-reservation and carry-forward of vacancies in promotions was not followed and the vacancies were wrongly allowed to lapse.

2.14.8 The working of Liaison Officers and the Special Cells was also not found to be satisfactory in most of the Organisations. For example, there were no separate Scheduled Caste/Scheduled Tribe Cells in the Bharat Wagon and Engineering Co. Ltd. and the Indian Copper Complex. The Liaison Officer appointed in the General Service Organisation was not provided with adequate staff for effective functioning. No inspection reports were prepared by them. The inspection of rosters by the Liaison officer was not being done regularly in the Indian Copper Complex, Ghat-sila (Singhbhum), Bihar. None of the undertakings provided avenues of promotion to the cadre of peons for sweepers, farash/chowkidars etc. In the General Service Organisation (GSO), Kalpakkam, there was no post of scavenger or sweeper. The instructions of the Government of India for nominating a Scheduled Caste/Scheduled Tribe officer in the Interview Board/Departmental Promotion Committees were not being followed by the Muzaffarpur Unit of the Bharat Wagon and Engineering Co. Ltd. Likewise, separate interviews were not conducted for the Scheduled Castes and Scheduled Tribes by the Bharat Wagon and Engineering Co. Ltd., and the General Service Organisation. The Annual Reports prepared by the undertakings did not contain detailed information either about the actual representation of Scheduled Castes/Scheduled Tribes in services as on 1st January every year, or on activities of the Scheduled Caste/Scheduled Tribe Cell, details of complaints received from Scheduled Castes/Scheduled Tribes and the nature of their disposal, etc.

2.14.9 A copy each of the study reports alongwith the observations made and suggestions offered by the Commission for improving the intake position of the

Scheduled Castes and Scheduled Tribes in services was forwarded to the respective Heads of the Public Sector Undertakings and the Ministries concerned and the replies from them are still awaited. The Commission observes with regret that various guidelines issued by the Government of India in protecting the service interests of the Scheduled Castes and Scheduled Tribes are not being implemented effectively and no sincere efforts are made by the Public Sector Undertakings to achieve the desired quota of representation of Scheduled Castes and Scheduled Tribes in different groups of posts. The officers dealing with the service matters are not adequately conversant with the various concessions provided to Scheduled Caste/Scheduled Tribe employees and the rosters are not maintained properly in many undertakings. The Special Cells set up to deal with the complaints of the Scheduled Caste/Scheduled Tribe employees and to ensure proper implementation of reservation rules are also not working effectively and need to be strengthened with suitable staff. The Commission urges that appropriate measures be taken urgently by the Department of Public Enterprises and the Ministry of Finance to remedy the above shortcomings in the interest of achieving the required representation of Scheduled Castes and Scheduled Tribes in all groups of posts.

Meetings/Conferences

2.15 The Commission holds periodical meetings and conferences to review matters relating to Scheduled Castes and Scheduled Tribes including the problem of reservation in services. During the year 1985-86 the Commission met twice, on 21-6-1985 and 11-12-1985 to discuss various issues. One of the important subjects discussed was the decision of the Government of Gujarat increasing the reservation quota from 10 per cent for the Socially and Educationally Backward Classes (SEBC) to 28 per cent on 11-1-1985 which led to widespread agitations in the State. Initially the agitation was against SEBC, but ultimately there was demand for total abolition of the roster system which provided reservation for Scheduled Castes and Scheduled Tribes in promotion. The Commission discussed this issue in their meeting held on 21-6-1985 and resolved as follows:

“The Commission places on record its sense of grave anxiety and deep agony at the continued and senseless loss of human life and property in the State of Gujarat in the context of agitation on reservation.

The nation stands committed constitutionally and otherwise to ensure equal opportunities to all and for rapid economic development of its weaker sections. The Commission feels

that economic equality is an important consideration, but not enough unless the weaker sections are at par socially as well, and are free from all manner of social exploitation. Such a stage has not been reached by any standard whatsoever. The Commission would however, urge the Government to take effective steps to end false representations as Scheduled Castes and Scheduled Tribes—and such cases could be numerous—leading to large-scale misuse of benefits and bringing disrepute to the policy of reservation. Also, the Commission would suggest to Government to devise measures to give priority in reservation to the weakest among the weaker sections of Scheduled Castes and Scheduled Tribes and simultaneously call upon the economically and socially better off among the Scheduled Castes and Scheduled Tribes to voluntarily abstain from claiming benefits. The Commission is confident that such measures would once again restore full confidence of the nation in the policy of reservation and such a policy would be continued till the appropriate time.”

A copy of the resolution was forwarded to the Home Minister (vide d.o. letter No. 17/7/SCTC/85-C, Cell (1) dated 24-6-1985) for taking appropriate action in the matter.

2.16 During its meeting of 11-12-1985, the Commission reviewed the atrocity position in the country and the position relating to the service safeguards provided for Scheduled Castes and Scheduled Tribes and adopted the following resolutions about reservation in services :

(1) “The existing reservation provided for Scheduled Castes and Scheduled Tribes should continue till such time as they are adequately represented in posts and services under the Government of India, the Public Undertakings and the State Governments/UT Administrations. Realising that mere reservation for them may not suffice, the Government of India as well as some of the State Governments have already taken special steps for increasing the intake of Scheduled Castes/Scheduled Tribes in services. The Commission are happy to note that pre-examination training/coaching-cum-guidance centres have been established in almost all the States/UTs. Special recruitment drives for Scheduled Castes and Sche-

duled Tribes have also been launched by the Government of India, Public Sector Undertakings and some of the States like Karnataka, Kerala, Punjab and Rajasthan. Arrangements for in-service training for Scheduled Caste/Scheduled Tribe employees have also been made by a good number of Central Public Sector Undertakings. While expressing their general satisfaction with the existing arrangements, the Commission resolved that special recruitment drives may be launched by all the State Governments to increase the intake of Scheduled Castes/Scheduled Tribes and arrangements for in-service training may be provided/augmented to improve efficiency and carrier prospects of Scheduled Caste/Scheduled Tribes.”

(2) “The Commission noted with satisfaction that the Governments of Karnataka and Tripura have increased the reservation quota for Scheduled Castes/Scheduled Tribes keeping in view the increase in Scheduled Caste/Scheduled Tribe population percentage in these States as per 1981 Census. It is necessary that similar measures are also taken by all the States/UTs where Scheduled Caste/Scheduled Tribe population percentages have registered increase. Considering this need, the Commission felt that the States of Andhra Pradesh, Himachal Pradesh, Kerala, Madhya Pradesh, Punjab, Rajasthan and West Bengal and the Union Territories of Chandigarh and Delhi may emulate the States of Karnataka and Tripura in the matter of upward revision of reservation quota for Scheduled Castes/Scheduled Tribes on the basis of 1981 Census. The Commission accordingly resolved that the Ministry of Welfare may be requested to address the concerned States/UTs suitably.”

(3) “In order to assess the position regarding the actual representation of Scheduled Castes and Scheduled Tribes in services and posts in States/UTs from time to time, the Commission have been calling for relevant data from States/UTs. Even though the communication on the subject have been invariably addressed at the highest level i.e. at the level of Chief Secretaries/Administrators, the response has been generally poor. Such information required for the Sixth Annual Report of the Commission was received from only eight States/ UTs viz., Kerala, Punjab, Haryana, West Bengal, Gujarat, Himachal Pradesh, Delhi and Arunachal

Pradesh. In order to improve the response from the State Governments, the Commission resolved that the Ministry of Welfare be requested to address suitable communications on the subject as from the Minister for Welfare to all Chief Ministers."

(4) "The concentration of tribal population varies considerably from one district to the other in States/UTs and a uniform quota of reservation for all the districts does not help the tribals in securing jobs, particularly in Groups III and IV posts, due particularly to lack of mobility on their part. This would mean that while in districts with tribal concentration many tribals may not get employment, in districts with meagre tribal population the Groups III and IV posts reserved for Scheduled Tribes would remain unfilled and the quota of reservation provided for Scheduled Tribes may also lapse in districts having meagre or no Scheduled Tribe population. To obviate this situation, the Governments of Maharashtra, Gujarat and Bihar are providing higher quota of reservation for Scheduled Tribes in the predominantly tribal districts. In this background, the Commission resolved that the Government of India and all the State Governments be requested to consider providing district-wise reservation quota for Scheduled Tribes in Groups III and IV posts/services."

(5) "Prior to May 1985, a minimum of 5 per cent reservation in Groups III and IV posts under the Government of India was available for Scheduled Tribes even in those States/UTs where Scheduled Tribe population percentage happened to be less than 5. This minimum reservation stands withdrawn vide Department of Personnel and Training OM. No. 36013/4/85-Fstt. (SCT) dated 24-5-85 and the reservation quota has now been fixed strictly in accordance with the population percentage. This Government order has created difficulties for the tribals of Uttar Pradesh who constitute 0.21 per cent of the total population of the State as a whole and for whom no reservation at all has been made as per the Government order referred to above. The Commission resolved that such isolated but genuine problems of tribals should receive special attention and the Government of India may provide special reservation opportunities in such instances."

(6) "Article 335 of the Constitution provides that the claims of the Scheduled

Castes/Scheduled Tribes for appointment to public services shall be subject to the maintenance of efficiency of administration. Provision of reservation in promotion has created heart-burning among the general employees who inspite of their seniority and long years of service get superseded by promotion of their junior Scheduled Caste/Scheduled Tribe colleagues. In this context, some unfortunate situations have developed in the form of agitations and counter agitations on reservation issue. Suggestions have also been thrown up for review of the reservation policy and appointment of a Commission at the national level for studying the problem at length and suggesting remedial measures for overcoming the 'anomalies'. The Commission took note of this position and resolved to recommend to Government that no change need be made in the existing policy without first seeking the national consensus."

(7) "It is a matter of common knowledge that the benefits of reservation do not normally reach the weakest of the Scheduled Caste/Scheduled Tribe communities. In this connection, it was noted that the Government of Nagaland have identified eight most backward Scheduled Tribes and provided special reservation for them in services within the overall reservation framework. Special reservation is also provided by the said State Government for Scheduled Tribes inhabiting backward regions. The Commission commend this work and suggest that all the States/UTs likewise identify most backward among the Scheduled Castes/Scheduled Tribes and provide special reservation for them as done in Nagaland. The Commission accordingly resolved that the Ministry of Welfare be approached for recommending the Nagaland model to all State Governments/UT Administrations."

(8) "It is to be acknowledged that the benefits intended for Scheduled Castes/Scheduled Tribes are being bagged by non-Scheduled castes/non-Scheduled Tribes on the strength of false caste certificates. The Commission are aware that the Government of India/State Governments have taken steps from time to time to streamline caste certificate issuance procedure but the problem of false caste certificates seems to persist. In this background the Commission resolved that

the Governments at the Centre and in the States may launch special drives at regular intervals to detect false caste certificate cases and bring the culprits to book."

The above resolutions have been sent to the Minister of Welfare requesting that Government may take suitable action on the matters raised therein vide d.o. letter no. 17/12/SCTC/85-C Cell dated 14-1-86.

Tours of the Commission

2.17 During its tours of different States/UTs, the Commission visits Public Sector Undertakings to review the representation of Scheduled Castes/Scheduled Tribes in different groups of posts. The Commission also meets the aggrieved Scheduled Caste/Scheduled Tribe employees and the representatives of the Scheduled Caste/Scheduled Tribe employees' Welfare Associations and takes up their grievances with the management.

2.18 During its visit to Madhya Pradesh, the Commission comprising Shri Bheekha Bhai, Chairman, Ven. Lama Lobzang, Member and Shri M. N. Chaudhuri, Secretary visited the Bhilai Steel Plant on 5-3-86 and had a meeting with the management, non-official members and representatives of the Scheduled Caste/Scheduled Tribe associations. The Commission made the following observations/suggestions in regard to the position of Scheduled Castes and Scheduled Tribes in service in the Bhilai Steel Plant :

1. "The representation of Scheduled Castes in all groups of posts was poor being only 2.2% and 2.6% against the prescribed quota of 15% in groups A and B. The position was even worse in respect of Scheduled Tribes whose representation was 0.6% in group A and 0.7% in group B posts as against the prescribed quota of 7.5%. In group C posts, against a quota of 16% the representation of Scheduled Castes was 14.4% and for Scheduled Tribes against 23% the reservation was only 8.8% of the total employees in the cadre."
2. "The Liaison Officer was not able to work effectively in ensuring adequate representation of Scheduled Castes and Scheduled Tribes in services. The management should make special efforts in this regard. The Commissioner, Tribal Development, Government of Madhya Pradesh who was also present in the meeting informed that there were six Special Industrial Training Institutes for Scheduled Tribes in Madhya Pradesh and

the Tribal Welfare Department was prepared to arrange special training programmes tailor-made to the needs of the Bhilai Steel Plant. It was, therefore, necessary for the management to assess the number of prospective vacancies in various trades in advance so that training facilities could be arranged for suitable candidates. The management should take necessary steps in this regard so as to improve the representation of Scheduled Tribes in group C posts."

3. "As many as 742 vacancies in groups B, C and D posts were de-reserved during 1983—85. The management explained that this was on account of non-availability of eligible Scheduled Caste/Scheduled Tribe candidates to fill up the reserved vacancies."
4. "A Scheduled Caste officer in the management was nominated as one of the members of the Selection Board/Departmental Promotion Committee but since he belonged to a junior cadre he was not able to assert himself in the Selection Board/Departmental Promotion Committee. A senior officer of the district administration, preferably of the Tribal and Harijan Welfare Department posted at Durg might be nominated in the Selection Board/Departmental Promotion Committee. The pre-employment training to Scheduled Caste/Scheduled Tribe candidates who were not able to clear the graduate engineer/management trainees selection is commendable."
5. "No reservation was provided for the Scheduled Caste/Scheduled Tribe employees in allotment of residential accommodation. This is against the guidelines issued by the Government of India and it is necessary for the management to ensure implementation of the same by providing reservation to Scheduled Caste/Scheduled Tribe employees in allotment of residential accommodation."
6. "Although a large number of employees of the Bhilai Steel Plant were assisted under the Housing Loan Scheme, no Scheduled Caste employees were benefited under this scheme. The management should look into the matter and ensure that the facility of the Housing Loan Scheme is extended to the Scheduled Caste/Scheduled Tribe employees on a priority basis."

Disposal of representations received on service grievances

2.19 The Commission receives a large number of representations from Scheduled Caste/Scheduled Tribe employees seeking redressal of their grievances. During 1985-86, as many as 4275 representations pertaining to 864 cases of service grievances were received at the headquarters. The grievances covered discrimination in recruitment and appointment, promotion, regularisation and confirmation, reinstatement in service, fixation of seniority, allotment of residential accommodation, provision of in-service training, transfer and posting, and other matters like wrong fixation of salary, non-payment of dues, harassment by compulsory retirement, appointment of non-Scheduled Castes/Scheduled Tribes on production of false caste certificates, entry of adverse remarks in the ACRs, suspension and termination of service etc. The classification of 864 cases on the basis of the nature of complaints is given below :

| Nature of grievances (1-4-85 to 31-3-86) | No. of Cases |
|------------------------------------------------------------------------------|-----------------|
| 1. Appointment/employment on compassionate grounds | 100 |
| 2. Delay in selection and issue of appointment order | 15 |
| 3. Regularisation in service/reinstatement | 51 |
| 4. Promotion | 159 |
| 5. Supersession/wrong fixation of seniority/reversion | 24 |
| 6. Non-payment of dues in selection grade, salary etc. | 44 |
| 7. Non-implementation of reservation policy | 61 |
| 8. Harassment/discriminatory treatment by employees | 87 |
| 9. Relaxation in experience/educational qualification etc. | 8 |
| 10. Transfer/Posting | 56 |
| 11. Confirmation | 10 |
| 12. Termination of service/reversion | 39 |
| 13. Disciplinary action/adverse entries in ACRs and suspension | 21 |
| 14. Compulsory retirement | 3 |
| 15. Irregular appointment/false caste certificate | 5 |
| 16. Non-acceptance/difficulty in verification of caste certificate | 7 |
| 17. Allotment of accommodation | 12 |
| 18. Denial of Training facilities | 8 |
| 19. Other grievances | 154 |
| | 864 |

2.20 Such representations are also received in the 17 field offices of the Commission and they take up the cases with the local authorities for redressal of the grievances. Where justice can not be provided by the administrative authorities or the cases are so serious as to require the attention of the government at the

highest level, the Commission refers them to the concerned Ministers/Chief Ministers for redressal.

2.21 In order to have a first-hand knowledge about the various problems faced by the Scheduled Castes and Scheduled Tribes in the rural areas, a 'padyatra' was undertaken by Ven. Lama Lobzang, Member of the Commission, from 30-9-85 to 5-11-85 when he visited 142 villages in Uttar Pradesh. During his visit he received representations from 77 Scheduled Castes pertaining to service matters. These were examined and taken up with the concerned authorities.

2.22 During the year under report, grievances of 81 Scheduled Caste/Scheduled Tribe representationists got redressed. The break-up of the cases of relief is as under :—

| Nature of relief provided/redressal of grievances | No. of cases |
|-----------------------------------------------------------------------------------------|--------------|
| 1. Selection for appointment against reserved point/compassionate appointment | 5 |
| 2. Qualifying in departmental examination on relaxed standard | 2 |
| 3. Renistatement in service | 5 |
| 4. Pay fixation and payment of arrear pay, DA, pension and other claims | 5 |
| 5. Expunction of adverse remark in the ACR | 1 |
| 6. Accepted the claim as Scheduled Caste. | 4 |
| 7. Transfer to place of choice/cancellation of transfer orders | 5 |
| 8. Fixation of seniority/promotions | 42 |
| 9. Nomination of SC/ST officers in Selection Boards/DPCs | 1 |
| 10. Sponsorship for training | 1 |
| 11. Allotment of quarters | 1 |
| 12. Regularisation in service | 1 |
| 13. General grievances (other than those mentioned above) | 8 |
| | 81 |

2.23 The Commission also extends advice to the Scheduled Castes/Scheduled Tribes who visit the Headquarters and meet the officials in this regard. Consequently there is now a greater awareness amongst them about the concern of the Commission for ensuring the implementation of safeguards provided for the Scheduled Castes and Scheduled Tribes. The Commission is pleased to report that more people are benefiting as a result thereof.

CONSTITUTIONAL SAFEGUARDS FOR SCHEDULED CASTES AND SCHEDULED TRIBES

Article 15(1)—The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

- (a) access to shops, public restaurants, hotels and places of public entertainment; or
- (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.

Article 16(4)—Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

Article 17—Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “untouchability” shall be an offence punishable in accordance with law.

Article 19(5)—The Article is in the nature of a proviso of some of the Fundamental Rights relating to “free movement throughout the territory of India, to the residing and settling in any part of India and to the acquisition, holding and disposal of property” and vest authority in the State to make suitable laws imposing regional restrictions on the exercising of these rights for the protection of the interest of any Scheduled Tribe.

Article 23—Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 25—Subject to Public order, morality and health and to the other provisions of this part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

Article 29(1)—Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 164—In the State of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and Backward classes or any other work.

Article 244(1)—The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam and Meghalaya.

(2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam and Meghalaya and the Union Territory of Mizoram.

Article 275—Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States :

Provided that these shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State.

Article 330(1)—Seats shall be reserved in the House of the People for—

- (a) The Scheduled Castes;

- (b) The Scheduled Tribes (except the Scheduled Tribes—
 - (i) in the tribal areas of Assam;
 - (ii) in Nagaland;
 - (iii) in Meghalaya;
 - (iv) in Arunachal Pradesh; and
 - (v) in Mizoram); and
- (c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State (or Union Territory) for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State (or Union Territory) in the House of People as the population of the Scheduled Castes in the State (or Union Territory) or of the Scheduled Tribes in the State (or Union Territory) or part of the State (or Union Territory), as the case may be, in respect of which seats are so reserved, bears to the total population of the State (or Union Territory).

Article 322 (1)—Seats shall be reserved for the Scheduled Castes and Scheduled Tribes (except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya), in the Legislative Assembly of every State.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam

shall be eligible for election to the Legislative Assembly of the State from any constituency of that district.

Article 334—Notwithstanding anything in the foregoing provisions of this part, the provisions of this Constitution relating to—

- (a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States.

Article 335—The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

Article 338(1)—There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matter relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

Article 339(1)—The President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the Welfare of the Scheduled Tribes in the States.

(2) The executive power of the Union shall extend to the giving of directions to (a State) as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

Article 341(1)—The President may with respect to any State (or Union Territory) and where it is a State, after consultation with the Governor thereof) by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State (or Union Territory, as the case may be).

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Article 342(1)—The President (may with respect to any State (or Union Territory), and where it is State, after consultation with the Governor thereof), by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State (or Union Territory, as the case may be).

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal com-

munity or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Article 371 (A) }
371 (B) } —The Articles relates
371 (C) }

to special provision with respect to the State of Nagaland. It is provided that no Act of Parliament in respect of religious or social practices of the Nagas, the Nagas customary law and procedure, the administration of civil and criminal justice involving decisions according to Naga customary law and ownership and transfer of land and its resources, shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland so decides by a resolution. The Governor of Nagaland shall have special responsibility with respect to law and order in the State so long as in his opinion internal disturbances in Naga Hills—Tuensang Area and he would exercise his individual judgement regarding the action to be taken after consulting the Council of Ministers.

ACTUAL REPRESENTATION OF SCs AND STs IN SERVICES AND POSTS UNDER THE STATE GOVTs./UT ADMINISTRATIONS

| S. No. | Name of the State/UTs | Population per- centage 1981 | | Prescribed quota of re- servation | | Percentage of factual representation in services | | | | | | | | Information as on | | | | | | | | | | | | | | |
|-----------|-----------------------------|---------------------------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------|-------------|--------------|-------------|------------|-------------|--------------|-------------|-------------------|---|---|---|---|---|---|---|---|----|----|----|----|----------|--------|
| | | | | | | SCs | | | | STs | | | | | | | | | | | | | | | | | | |
| | | SCs | STs | SCs | STs | Class I | Class II | Class III | Class IV | Class I | Class II | Class III | Class IV | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 1. | Karnataka | 15.07 | 4.91 | 15% In DR Increased to 20% for SCs, 5% for STs till the back log in their re- presentation is completely wiped out. | 3% In DR | 12.61 | 8.78 | 10.32 | 20.95 | 2.00 | 1.91 | 1.53 | 2.74 | | | | | | | | | | | | | | | 1-1-85 |
| 2. | Sikkim | 5.78 | 23.27 | Not yet fixed | | 6.17 | 2.39 | 4.12 | 11.34 | 32.16 | 27.79 | 27.00 | 29.12 | | | | | | | | | | | | | | 1-1-86 | |
| 3. | Rajasthan | 17.04 | 12.21 | 16% In D.R./ Promo- tion | 12% In D.R./ Promo- tion | 13.26 | 11.85 | 17.08 | 26.60 | 2.40 | 7.81 | 5.80 | 20.59 | | | | | | | | | | | | | | 31-12-83 | |
| 4. | Madhya Pradesh | 14.10 | 22.97 | 15% In Class I and II and 16% for in Class III & IV in DR and Promo- tion | 18% In Class I & II 20% in Class III & IV in DR/ Promo- tion | 2.13 | 5.31 | 9.17 | 11.75 | 1.04 | 2.44 | 9.45 | 8.67 | | | | | | | | | | | | | | 1-1-86 | |
| 5. | Tamil Nadu | 18.35 | 1.07 | 18% reservation is prescribed for SCs & STs. No separate reser- vation for SCs/ STs. | | 6.00 | 13.50 | 11.9 | 15.7 | 0.40 | 0.10 | 0.30 | 0.40 | | | | | | | | | | | | | | 1-1-85 | |
| 6. | Pondicherry | 15.99 | — | 15.00 In DR and Promo- tion | 7.50 In DR and Promo- tion | 4.13 | 10.68 | 9.12 | 14.42 | — | 0.79 | 0.42 | 1.24 | | | | | | | | | | | | | | 1-1-86 | |

CHAPTER III

REMOVAL OF UNTOUCHABILITY AND IMPLEMENTATION OF THE PROTECTION OF CIVIL RIGHTS ACT, 1955

Although the Constitution of India has specifically abolished untouchability, it continues to be practised in one form or the other, particularly in the rural areas of the country, where the non-Scheduled Castes have not yet overcome their aversion for the Scheduled Castes and continue to exploit them. In a few urban pockets also, especially in the States of Bihar, Orissa, Uttar Pradesh, Madhya Pradesh, Rajasthan, Karnataka, Andhra Pradesh and Tamil Nadu, there are instances of discrimination against the Scheduled Castes. The Scheduled Castes are not allowed to draw water from the taps/wells used by the caste Hindus and are prevented from entering the temples. They are refused service at eating places commonly used by the caste Hindus or are served in separate containers or utensils. In some places they are denied the services of washermen, barbers etc. and are still compelled to pursue their age old 'unclean' occupations due to socio-economic reasons.

3.2 At Phalsun in Jaisalmer district of Rajasthan a group of caste Hindus recently prevented members of Scheduled Castes from taking water from a public tap. The police, however, took prompt and firm action and prosecuted the accused under the provisions of the Protection of Civil Rights (PCR) Act, 1955. In another incident reported from Orissa, a group of caste Hindus of village Kamata in Koraput district, led by the village Sarpanch, prevented a group of Scheduled Caste devotees from entering the local temple to offer prayers, and also assaulted them. In this case, the police failed to take appropriate and timely action and allegedly played a partisan role. Similarly, in Pushkar in Ajmer district of Rajasthan, Scheduled Caste persons were denied entry into Rangji Temple. In the same state, at Bari-Sadari town of Chittorgarh district, there were allegations of Scheduled Caste persons being refused the services of barbers in the hair-cutting saloons and of not being allowed to take tea in hotels and restaurants. Hair-cutting saloons were reportedly closed down with a view to preventing Scheduled Castes from being attended to and elsewhere the tea cups used by them were broken. A Commission of Court was appointed by Justice Lodha of the Rajasthan High Court to go into these allegations and these were found to be true.

3.3 The objective of integrating the Scheduled Castes into the main-stream of society therefore still

remains a far cry. The Commission holds the view that the penal provisions of the P.C.R. Act, 1955 play but a limited role in dealing with the problem of untouchability. The Commission, therefore, recommends that a more concerted effort be made in this direction by all Government agencies at various levels. The official machinery is, in fact, required to be made to feel more responsible to and involved in the task of eradication of the practice of untouchability. Firm handling by the official machinery coupled with building up of a strong public opinion against the evil of untouchability is essential.

3.4 In order to ensure that maximum number of offenders under the provisions of the PCR Act are punished, it would be advisable for the States to consider introduction of incentive schemes for police officials and other Government functionaries whose performance is considered laudable in matters of proper registration of cases, flawless investigation and resolute prosecution ending in conviction. Recording of good remarks in the Annual Confidential Reports of the dedicated and conscientious workers could be one such incentive. As already done by some states, special drives/campaigns—such as observances of 'fortnight' and 'week'—for eradication of untouchability could also prove to be useful in this respect. During such campaigns, among other things, special raids could be organised on the basis of secret information/tip-off about untouchability being practised. Deployment of decoy witnesses at places of public entertainment, hotels, restaurants and places of public worship where there is a suspicion of untouchability being practised can be of help in taking up remedial steps. The practice of untouchability in covert or overt form in Government departments or educational institutions needs to be dealt with firmness. In addition to departmental action, prompt and strict legal action would also need to be taken up against the offenders. Semi-Government and autonomous bodies like village Panchayats and Municipalities that come into notice for practising untouchability in one form or the other by discriminating against the members of Scheduled Castes, also need to be dealt with firmly. Defaulting people's representatives should be debarred from contesting elections for specified periods.

3.5 The Commission is convinced that mere punitive action against the defaulters or commendation to

those doing good work is not adequate for rooting out the menace of untouchability. Since the urge to practice untouchability is too deep-rooted, it is necessary to find out ways and means of bringing about a change in the mental out-look and social attitudes of the people in general. To achieve this objective, Government would do well to involve, besides the voluntary organisations, selected educational and research institutions for carrying out broad-based surveys to locate the areas where untouchability is being practised. They should also play a constructive role in launching campaigns for the education of the masses and in providing effective leadership to Scheduled Castes to help them stand up for their rights. Necessary changes also need to be introduced in the educational system by way of incorporating suitable reading material at the primary and middle school levels. Adequate propaganda and publicity should also be organised through mass media *viz.*, radio, T.V., press and cinema and also through debates, seminars, symposia, 'Prabhat-Phe.1s' and 'Padyatras'. Community feasts alongwith members of the Scheduled Castes and inter-caste marriages need to be further encouraged. Since attitudes tend to get hardened with the advancement of age, it would be useful to include suitable lessons or chapters in the syllabi meant for educating adults at the Adults Education Centres. Government may also consider taking suitable remedial action with regard to objectionable portions, if any, in scriptures, books or other publications explicitly or implicitly advocating any kind of discrimination on grounds of caste. In this context, the Commission would like to make a mention of an ironical situation arising out of some of the developmental schemes aimed at ameliorating the lot of the Scheduled Castes in so far as some such schemes tend to further segregate them from the rest of the population. For example, houses/house-sites being provided to the Scheduled Castes under various schemes are generally located away from the main village which impedes their coming closer to people belonging to other castes. Similarly, educational institutions and hostels that are being opened exclusively for Scheduled Castes tend to keep them away from students belonging to other castes. The Commission is, therefore, of the view that the programmes meant for economic advancement of the Scheduled Castes need to be implemented in such a manner that they, in the process, also ensure the absorption of the Scheduled Castes into the main stream of society.

Review of offences under the PCR Act, 1955

3.6 Annexure I gives a state-wise statement of the cases registered under the PCR Act, during the year 1982 to 1985. This does not include informa-

tion for the year 1985 from some of the States having sizeable population of Scheduled Castes, notably, Andhra Pradesh, Haryana, Madhya Pradesh, Maharashtra and Uttar Pradesh who regrettably did not furnish the required information in spite of repeated reminders. However, from the partial picture that emerges from the available data, it may be seen that during the year under review the number of cases registered under the PCR Act increased quantitatively in Karnataka, Rajasthan and Bihar and came down in varying degrees in Gujarat, Tamil Nadu and Delhi as compared to the preceding year.

3.7 A statement showing the number of cases registered and disposed of by the police, and those disposed of by the courts during 1981 to 1985 is appended at Annexure II. The position of disposal of cases by the police has been slightly better than that of the preceding year in as much as fewer number of cases were pending investigation by the end of the year. Another striking feature is that out of the total of 2522 cases disposed of by the police during the year, charge sheets were filed by the police in only 1926 (76.37%) cases, while the remaining 596 (23.63%) cases ended in final reports. The position in regard to disposal of cases by the courts is satisfactory but that of cases ending in conviction has gone down considerably inasmuch as out of a total of 1391 cases decided during the year, only 97 (6.97%) cases ended in conviction while the remaining 1294 (93.03%) ended in acquittal.

3.8 A statement showing the position in regard to registration and disposal of PCR Act cases, by the police during 1985 is given at Annexure III. Among the major states from where the figures are available, the charge sheets were filed in 93.29% of cases in Gujarat and, 84.91% of cases in Karnataka. Two other States where the percentage of cases of the accused being charge sheeted was between 70 and 80 were Orissa and Tamil Nadu.

3.9 A statement showing disposal of PCR Act cases by the courts during 1985, at Annexure IV, shows that while in Kerala all the 31 cases decided by the courts ended in acquittal, in Gujarat, Tamil Nadu, Orissa and Karnataka the percentage of such cases was 99.01, 95.16, 94.44 and 91.3 respectively. The position was somewhat better only in Rajasthan where the courts convicted in 69.09% cases and the accused could get away with acquittal in the remaining 30.91% cases only.

3.10 The high rate of PCR Act cases ending in final report by the police and in acquittal in the courts has been a matter of concern to the Commission for quite some time. In its successive reports

from 1981-82 onwards, the Commission has attempted to analyse the situation and recommended a number of appropriate measures. Broadly speaking the reasons for this sort of phenomenon are :—

- (a) Delay in the disposal of cases by the police and the courts during which the victims and the witnesses are influenced and forced to compromise by allurement, intimidation or social, economic and political pressures;
- (b) Faulty or slipshod investigation by the police;
- (c) Weak prosecution of cases or a dubious role played by the prosecuting office(s);
- (d) Lack of resisting power on the part of the poor victims and witnesses with low socio-economic standing;
- (e) Hardening of the sensitivities with the passage of time caused due to inordinate delays in the disposal of the PCR Act cases;
- (f) Reluctance on the part of the witnesses and the complainants to pursue the cases for fear of loss of man-days in personal attendance; and
- (g) Registration of the majority of the cases under the PCR Act for insult or attempt to insult on the ground of untouchability and the mandatory provision of imprisonment on conviction for a minimum period of one month, as also non-applicability of the provisions of the Probation of Offenders' Act to the accused above 14 years of age perhaps caused disinclination on the part of courts to take serious cognizance of offences like insult or attempt to insult through derogatory reference to caste.

The reports received from the States in this regard also reveal similar causative factors.

3.11 After careful consideration, the Commission, in its earlier reports, had recommended prompt and efficient investigation by the police and speedy disposal of the cases by the courts. The whole process from the stage of registration of case to the delivery of judgement should not take more than 2 to 3 weeks. The Commission would recommend that the victims and the witnesses summoned by police or the courts should be paid wages for the days of attendance so that they are not reluctant in pursuing the matter.

Implementation of the Protection of Civil Rights Act, 1955

3.12 Section 15A(4) of the Protection of Civil Rights Act, 1955 makes it obligatory on the part of the Government of India to lay a report on the measures aiming at elimination of untouchability taken by the Central and the State Governments in both the Houses of Parliament every year. The State Governments/UT Administrations are required to take such measures as may be necessary for providing adequate facilities. These include (i) legal aid; (ii) appointment of officers for initiating or exercising supervision over prosecution; (iii) setting up of Special Courts; (iv) appointment of committees at appropriate levels; (v) conducting of periodic surveys on the working of the provisions of the Act and (vi) identification of areas where persons are under any disability arising out of untouchability. A statement showing the steps taken by the States/UTs for implementation of this provision of the Act is appended at Annexure V

3.13 In pursuance of the provision made under Section 15A(4) of the PCR Act, Ministry of Welfare placed the VII Annual Report for the year 1984 on the table of the Rajya Sabha and the Lok Sabha on 21-2-1986 and 26-2-1986 respectively.

Study of the functioning of Special Enquiry Cell in Uttar Pradesh

3.14 Section 15A(2)(ii) of the Protection of Civil Rights Act, 1955 provides for appointment of officers for initiating or exercising supervision over prosecution. An evaluative study on the functioning of the Special Enquiry Cell, with headquarters at Lucknow and the Harijan Cells set up at the district level in Uttar Pradesh was taken up by the Commission's headquarters. Besides Lucknow, the districts of Mirzapur, Varanasi and Ghazipur were covered under the study.

3.15 Uttar Pradesh Government had created a Special Enquiry Cell, under the charge of a Deputy Inspector General of Police, in the year 1973. Keeping in view the importance of the Cell, an Inspector General of Police was made its head in 1983. Besides the IGP and a DIG, the Cell consists of two SPs and nine Dy. SPs in addition to other ancillary staff. The Cell has been assigned mainly the following functions :

- (1) To obtain information on offences against Scheduled Castes, make evaluative study of their causes and find out ways to prevent their occurrence;
- (2) To get enquiries conducted into complaints received through the district police and in

cases of serious complaints to make enquiries itself:

- (3) To keep a watch on the cases of crimes against the members of the Scheduled Castes right from their registration to the filing of the charge sheet, collect information regarding cases pending in the courts, study them and issue necessary guidelines to the concerned District SPs;
- (4) To monitor the incidence of crime against members of Scheduled Castes and keep the government informed;
- (5) To offer suggestions to the State Government in order to control the incidence of crime against Scheduled Castes and Scheduled Tribes;
- (6) To find out full facts regarding news items appearing in the news papers on cases of atrocity against Scheduled Castes/Scheduled Tribes and keep the State Government informed; and
- (7) To exercise supervision over the cases of atrocities against Scheduled Castes/Tribes and to ensure that necessary follow up action is taken.

3.16 The Special Enquiry Cell at Lucknow received 2853 complaints from the members of Scheduled Castes on matters relating to atrocity and untouchability. Of them, 2263 complaints were sent to the district police for enquiry and report and 226 were forwarded to them in original for disposal at their end. The police officials of the Cell conducted inquiries into the remaining 364 complaints. The Cell was able to complete enquiries in respect of 332 complaints while inquiries into the remaining 32 were pending till the end of the year. During 132 inspections carried out by the officials of the Cell, emphasis was laid on the compliance of observations made during the previous inspections, atrocity situation, disbursement of monetary relief etc. It was also reported that the officials of the Cell had contacted about 9,500 SC persons during the year to ascertain their problem and grievances.

3.17 On the basis of the study, the Commission made the following recommendations to the U.P. Government :

- (a) There is no separate wing in the Special Enquiry Cell to carry out a scientific study into the basic causes of crimes against the members of the Scheduled Castes. The

State Government may consider creating such a wing in the Cell for the purpose.

- (b) Since more than 80% of the complaints received in the Cell were sent to the district police for enquiries, there is need to carry out test checks in at least 5% of such enquiry reports and issue necessary guidelines to the district police on the basis of such checks.
- (c) On complaints received in the Cell regarding serious cases of atrocity, enquiry should be conducted by the officials of the Cell within a period of 15 days so that the accused do not find time to exert pressure on the complainants.
- (d) Guidelines need be issued to the district police as also the officials of the Cell after analysing the enquiry reports.
- (e) In the course of inspection of the Harijan Cells and the police stations, the officers of the Cell should, besides other things, ensure to check the maintenance of record of the directions/guidelines issued by the Cell and their compliance.
- (f) In the existing arrangement, the police officers of the Special Enquiry Cell have not been vested with the power of investigation. The State Government may consider the feasibility of doing so, so that the IG of the Special Enquiry Cell may take over investigation of a few selected cases in which he has sufficient reasons to believe that the investigating staff of the district police was acting or was likely to act under the influence of the accused. In that eventuality the State Government may also, in some serious cases, direct the Cell to investigate a few cases of atrocity/untouchability withdrawing the same from the district police.

Study of the functioning of the Special Courts

3.18 The Commission found that setting up of Special Courts by some States under the provision of Section 15A(2)(iii) of the PCR Act, 1955 did not seem to be having the desired impact on the pendency of cases of atrocity under IPC Sections or those under the PCR Act. The Commission, therefore, decided to study the performance of the Special Courts. The States that had initially set up Special Courts were Madhya Pradesh, Rajasthan, Tamil Nadu, Bihar and Andhra Pradesh. The Commission, as such, asked its field offices in these States to study two of the Special Courts functioning in their respective State. Three

field offices at Madras, Patna and Jaipur were able to complete their study during the year under review. The Madras office studied the working of Special Courts located at Tirunelveli and Tiruchirapalli, the office at Patna of those located at Muzaffarpur and Hazaribagh and that at Jaipur of the Special Court located at Nagaur. The findings are, briefly given below :

Madras : The Special Court at Tiruchirapalli was set up on 18-2-1982 and the one at Tirunelveli on 12-2-1982. These Special Courts deal with the cases under the PCR Act as also those clubbed with IPC Offences. They also take up individual complaints received directly. The total number of cases disposed of in these Special Courts during the years 1982 to 1985 is given in the table below :

| Year | Number of cases decided and ended in | | | Total disposal |
|-----------------------------------|--------------------------------------|-----------|---|----------------|
| | Conviction | Acquittal | | |
| 1 | 2 | 3 | 4 | |
| <i>Special Court, Tirunelveli</i> | | | | |
| 1982 | 3 | 31 | | 34 |
| 1983 | 14 | 134 | | 148 |
| 1984 | 8 | 100 | | 108 |
| 1985 | 6 | 92 | | 98 |
| Total | 31(8%) | 357 (92%) | | 388 |

| Year | BF | Cases received during the year | Total | Disposal of cases ending in | | | | | Cases pending at the end of the year |
|-----------------------------------|-----|--------------------------------|--------------|-----------------------------|-----------|-----------|-----------|-------|--------------------------------------|
| | | | | Conviction | Discharge | Acquittal | Otherwise | Total | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| <i>Special Court, Muzaffarpur</i> | | | | | | | | | |
| 1982 | — | 339 | 339 | 2 | 2 | 13 | 1 | 18 | 321 |
| 1983 | 321 | 198 | 519 | 6 | 22 | 53 | 10 | 91 | 428 |
| 1984 | 428 | 117 | 545 | 9 | 8 | 29 | 13 | 59 | 486 |
| 1985 | 486 | 183 | 669 | — | 1 | 24 | 3 | 28 | 641 |
| Total | — | | 17 (8.6%) | 33 | 119 | 27 | 196 | | |
| <i>Special Court, Hazaribagh</i> | | | | | | | | | |
| 1982 | — | 48 | 48 | — | — | — | 2 | 2 | 46 |
| 1983 | 46 | 93 | 139 | — | — | 8 | 7 | 15 | 124 |
| 1984 | 124 | 97 | 221 | 2 | — | 26 | 14 | 42 | 179 |
| 1985 | 179 | 87 | 226 | 6 | — | 59 | 11 | 76 | 190 |
| Total | — | | 8 (5.7%) | — | 93 | 34 | 135 | | |

| | 1 | 2 | 3 | 4 |
|--------------------------------------|-----------|------------|-----|-----|
| <i>Special Court, Tiruchirapalli</i> | | | | |
| 1982 | 3 | | 5 | 8 |
| 1983 | 47 | | 90 | 137 |
| 1984 | 38 | | 73 | 111 |
| 1985 | 1 | | 153 | 154 |
| Total | 89(21.7%) | 321(78.3%) | 410 | |

The above table shows that during the years 1982 to 1985, of the total number of cases decided by the two special courts, there was conviction in only 8% cases by the Tirunelveli Special Court and in 21.7% cases by the Tiruchirapalli Special Court. The percentage of cases ending in acquittal was very high.

Neither of the two courts is mobile. There were instances of compounding of a few cases under the PCR Act by the Tirunelveli court contrary to the provisions of the Act.

Bihar : Of the two courts selected for the study, the special court at Muzaffarpur was set up on 7-4-1982 and the one at Hazaribagh on 18-5-1982. Though the State Government order (No. A/ECT-14/79 dated 15-4-1983) stipulates that the special courts will hold circuit courts according to a specified programme at the respective sub-divisional headquarters, yet both the special courts are static. The total number of cases disposed of by these special courts during the years 1982 to 1985 is given in the table below :

The above table shows that the position of conviction in these two courts also is far from satisfactory. While the conviction during the years 1982 to 1985 was only 8.6% by Muzaffarpur Special Court, the percentage of conviction in case of Hazaribagh Special Court was as low as 5.7. It is further observed that the Special Courts are not trying exclusively the cases under the PCR Act and those of atrocity against Scheduled Castes/Scheduled Tribes, but the Judicial Magistrates have been given additional charge of the work of the Special Courts. Consequently, no separate staff has been provided to the Special Courts; nor is there any provision for a separate fund for the purpose. Moreover, since only four Special Courts cover the entire State having 39 districts, the Muzaffarpur Special Court has a jurisdiction of 12 districts and that at Hazaribagh of 8 districts. As a result, the victims and witnesses have to travel sometimes more than 200 kms to appear before these Courts. The number of cases pending at the end of the year 1982 in the Special Court at Muzaffarpur and Hazaribagh was 321 and 46 respectively, but by the end of the year 1985, the pendency figure doubled in the case of the Special Court at Muzaffarpur and increased four times in respect of that at Hazaribagh. Moreover, neither of the two Special Courts tried atrocity cases of serious nature such as murder, rape etc. which were committed to the Sessions Court for trial.

Rajasthan : The Special Court at Nagaur was set up on 1-12-1980 for trial of offences under the PCR Act as also criminal cases in which one or more than one aggrieved persons belonged to Scheduled Castes/Scheduled Tribes. The court has jurisdiction over the whole of Nagaur District, which is spread over an area of 17,828 sq. kms.

A statement showing the total number of cases disposed of by the Special Court during the years 1981 to 1985 (upto May) is given below :

| Year | Brought forward cases received during the year | No. of cases | Total of Col. 2+3 | Total No. of cases in | | Total of Col. 5+6 |
|--------------------------|------------------------------------------------|--------------|-------------------|-----------------------|---------------------|-------------------|
| | | | | Conviction | Acquittal/Discharge | |
| 1981 | 188 | 147 | 335 | 8 | 61 | 69 |
| 1982 | 266 | 136 | 402 | 18 | 80 | 98 |
| 1983 | 304 | 115 | 419 | 35 | 93 | 128 |
| 1984 | 291 | 122 | 413 | 30 | 49 | 79 |
| 1985 (upto May'85) | 334 | 30 | 364 | 10 | 21 | 31 |
| Total | | | 101 | 304 | 405 | |

The above statement shows that 25% of the cases decided by the Nagaur Special Court ended in conviction while the remaining ended in acquittal or discharge. It also shows that the pendency with the

Court has been increasing every year, except for the year 1984 when as against 304 cases pending during the preceding year, the Court was left with the pendency of 291 cases. Like the Special Courts of Tamil Nadu and Bihar, this Court too is not mobile.

3.19 The study of the Special Courts in the three States shows that the Special Courts functioning in these States have hardly been able to serve the purpose for which they were set up. In the guidelines on prevention and control of crimes against Scheduled Castes forwarded vide d.o. letter No. III. 11011/4/85-PCR(DESK) dated 15-4-1985 addressed to the States/UTs, the Union Home Minister had in the context of Special Courts, stated that 'speedy and deterrent punishment is one of the essential ingredients for an overall strategy to contain and eliminate crimes against Scheduled Caste. The Special Courts do not seem to have achieved this objective. The main factors attributing to this unhappy position are found to be the following :

- (a) None of the Special Courts is mobile.
- (b) At some places, the work of the Special Courts has been assigned to the Judicial Magistrate as an additional charge. This arrangement defeats the purpose for which a Special Court is set up.
- (c) Under Section 15(1) of the PCR Act, there is provision that every offence punishable under this Act, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate of first class or in a Metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the Code of Criminal Procedure. No advantage of this provision appears to have been taken by the Special Courts. As a result, the cases under the PCR Act continue to remain pending for trial for unduly long periods.

3.20 The Commission recommends that the State Governments view the need to establish the Special Courts with earnestness and ensure that they function as specialised and exclusive agencies of justice as envisaged in the PCR Act. The Special Courts should be mobile and equipped adequately with the requisite ancillary staff and facilities so as to ensure that justice is neither delayed nor denied to the poor and down-trodden victims belonging to the Scheduled Castes and Scheduled Tribes.

**COMPARATIVE STATEMENT OF THE PROTECTION OF CIVIL RIGHTS ACT CASES REGISTERED IN
VARIOUS STATES/UNION TERRITORIES**

| State/Union | No. of cases registered with police | | | |
|------------------|-------------------------------------|-------------|-------------|-------------|
| | 1982 | 1983 | 1984 | 1985 |
| 1 | 2 | 3 | 4 | 5 |
| Andhra Pradesh | 263 | 385 | 269 | NA |
| Bihar | 28 | 16 | 11 | 18 |
| Gujarat | 347 | 386 | 271 | 169 |
| Haryana | 5 | 5 | Nil | NA |
| Himachal Pradesh | 6 | 6 | 4 | 7 |
| Jammu & Kashmir | 4 | 5 | 2 | 4 |
| Karnataka | 674 | 567 | 532 | 659 |
| Kerala | 29 | 37 | 37 | 41 |
| Madhya Pradesh | 337 | 390 | 370 | NA |
| Maharashtra | 769 | 558 | 510 | NA |
| Orissa | 125 | 90 | NA | 88 |
| Punjab | NA | NA | NA | 2 |
| Rajasthan | 186 | 193 | 168 | 207 |
| Tamil Nadu | 1105 | 1205 | 1402 | 1280 |
| Uttar Pradesh | 186 | 173 | 208 | NA |
| Chandigarh | NA | NA | NA | 1 |
| Delhi | 3 | 11 | 7 | 3 |
| Goa, Daman & Diu | 3 | 2 | Nil | 1 |
| Pondicherry | 12 | 16 | 15 | 16 |
| Total | 4082 | 3965 | 3806 | 2496 |

STATEMENT SHOWING NUMBER OF CASES REGISTERED AND DISPOSED OF BY THE POLICE AND THE COURTS

| Year | Brought forward | | Number of cases fresh registered with police | Number of cases disposed of by the police and ended in | | | Number of cases disposed of by the courts and ended in | | | Number of cases pending | |
|------|-----------------|-------|----------------------------------------------|--------------------------------------------------------|---------|-------|--------------------------------------------------------|-----------|-------|-------------------------|-------|
| | Police | Court | | Final report | Challan | Total | Conviction | Acquittal | Total | Investigation | Total |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1981 | 698 | 4995 | 4085 | 982 | 2865 | 3847 | 441 | 2085 | 2526 | 936 | 5334 |
| 1982 | 690 | 4547 | 4082 | 897 | 2665 | 3562 | 199 | 1633 | 1832 | 1210 | 5380 |
| 1983 | 864 | 6347 | 3965 | 791 | 2902 | 3693 | 243 | 1707 | 1950 | 1136 | 7299 |
| 1984 | 455 | 5706 | 3806 | 1053 | 2708 | 3761 | 325 | 1781 | 2106 | 500 | 6308 |
| 1985 | 293 | 1912 | 2496 | 596 | 1926 | 2522 | 97 | 1294 | 1391 | 267 | 2501 |

*Discrepancy in figures of disposal by courts is due to non-availability of information from the state of Bihar.

STATEMENT SHOWING REGISTRATION AND DISPOSAL OF PCR ACT CASES BY THE POLICE DURING 1985

| State/UT | Number of cases with police | | | Number of cases disposed of and ended in | | | No. of cases pending for investigation |
|----------------------------|-----------------------------|-------------|-------------|------------------------------------------|--------------|-------------|----------------------------------------|
| | BF | Fresh | Total | Final report | Challan | Total | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Bihar | 6 | 18 | 24 | 4 (23.53%) | 13 (76.47%) | 17 | 7 |
| Gujarat | 10 | 169 | 179 | 11 (6.71%) | 153 (93.29%) | 164 | 15 |
| Himachal Pradesh | — | 7 | 7 | 2 (33.33%) | 4 (66.67%) | 6 | 1 |
| Jammu & Kashmir | — | 4 | 4 | — | 3 (100%) | 3 | 1 |
| Karnataka | 106 | 659 | 765 | 105 (15.09%) | 591 (84.91%) | 696 | 69 |
| Kerala | 3 | 41 | 44 | 18 (42.86%) | 24 (57.14%) | 42 | 2 |
| Orissa | 33 | 88 | 121 | 26 (28.26%) | 66 (71.74%) | 92 | 29 |
| Punjab | — | 2 | 2 | — | 1 (100%) | * 1 | 1 |
| Rajasthan | 9 | 207 | 216 | 79 (42.25%) | 108 (57.75%) | 187 | 29 |
| Tamil Nadu | 113 | 1280 | 1393 | 340 (26.48%) | 944 (73.52%) | 1284 | 109 |
| Chandigarh | — | 1 | 1 | 1 (100%) | — | 1 | — |
| Delhi | 4 | 3 | 7 | — | 7 (100%) | 7 | — |
| Goa, Daman & Diu | — | 1 | 1 | — | 1 (100%) | 1 | — |
| Pondicherry | 9 | 16 | 25 | 10 (47.62%) | 11 (52.38%) | 21 | 4 |
| Total | 293 | 2496 | 2789 | 596 | 1926 | 2522 | 267 |

NOTE : The States/UTs of Andhra Pradesh, Haryana, Madhya Pradesh, Maharashtra, Manipur, Uttar Pradesh and West Bengal did not furnish the information.

Assam, Meghalaya, Nagaland, Sikkim, Tripura, Andaman & Nicobar Islands, Arunachal Pradesh, Dadra & Nagar Haveli, Lakshadweep and Mizoram have intimated that no case under the PCR Act has been reported during 1985.

STATEMENT SHOWING DISPOSAL OF THE PCR ACT CASES BY THE COURTS DURING 1985

| State/UT | Number of cases with the Courts | | | Number of cases disposed of and ended in | | | No. of cases pending for trial |
|----------------------------|---------------------------------|-------------|-------------|------------------------------------------|--------------|-------------|--------------------------------|
| | BF | Fresh | Total | Conviction | Acquittal | Total | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Gujarat | 331 | 153 | 484 | 2 (0.99%) | 200 (99.01%) | 202 | 282 |
| Himachal Pradesh | 6 | 4 | 10 | — | 1 (100%) | 1 | 9 |
| Jammu & Kashmir | — | 3 | 3 | — | — | — | 3 |
| Karnataka | 246 | 322 | 568 | 2 (8.70%) | 21 (91.3%) | 23 | 545 |
| Kerala | 57 | 24 | 81 | — | 31 (100%) | 31 | 50 |
| Orissa | 339 | 66 | 405 | 2 (5.56%) | 34 (94.44%) | 36 | 369 |
| Punjab | — | 1 | 1 | — | — | — | 1 |
| Rajasthan | 338 | 108 | 446 | 38 (69.09%) | 17 (30.91%) | 55 | 391 |
| Tamil Nadu | 573 | 1280 | 1853 | 50 (4.84%) | 982 (95.16%) | 1032 | 821 |
| Delhi | 22 | 7 | 29 | 1 (25.00%) | 3 (75.00%) | 4 | 25 |
| Goa, Daman & Diu | — | 1 | 1 | — | — | — | 1 |
| Pondicherry | — | 11 | 11 | 2 (28.57%) | 5 (71.43%) | 7 | 4 |
| Total | 1912 | 1980 | 3892 | 97 | 1294 | 1391 | 2501 |

NOTE : The States/ UTs of Andhra Pradesh, Bihar, Haryana, Madhya Pradesh, Maharashtra, Uttar Pradesh, West Bengal and Manipur did not furnish the information.

Assam, Meghalaya, Nagaland, Sikkim, Tripura, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra & Nagar Haveli, Lakshadweep and Mizoram have intimated that no case of PCR Act has been reported during 1985.

**STATEMENT SHOWING THE STEPS TAKEN BY THE STATES/UNION TERRITORIES FOR
IMPLEMENTATION OF THE PROVISIONS OF SECTION 15A(2) OF THE PROTECTION OF
CIVIL RIGHTS ACT, 1955**

(i) Legal Aid

The states of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Goa, Daman & Diu, Delhi and Pondicherry provide legal aid to the low income groups, including persons belonging to the SCs. Such aid is available to persons of a particular income group as mentioned below :

| Name of the State Govt. | Annual income |
|-------------------------|---------------|
| | Rs. |
| Andhra Pradesh | 3,600 |
| Bihar | 3,600 |
| Gujarat | 7,200 |
| Himachal Pradesh | 3,600 |
| Jammu & Kashmir | 5,000 |
| Karnataka | 5,000 |
| Kerala | 3,600 |
| Maharashtra | 5,000 |
| Punjab | 6,000 |
| Rajasthan | 6,000 |
| Delhi | 6,000 |

(ii) Appointment of officers

Police officers of various ranks appointed for initiating or exercising supervision over prosecution under the PCR Act are functioning at following levels in various states :

| | |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| At State headquarters level | Delhi, Haryana, Punjab, Rajasthan, Chandigarh and Pondicherry. |
| At State headquarters and district level | Andhra Pradesh, Bihar, Himachal Pradesh, Madhya Pradesh, Kerala, Orissa, Tamil Nadu and Uttar Pradesh. |
| At State headquarters, police range and district levels | Gujarat, Karnataka and Maharashtra. |

(iii) Special Courts

The names of States and places where Special Courts have been set up are mentioned below :

| | |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Andhra Pradesh | Seven mobile Special Courts at Srikakulam, Medak, Chittoor, Cuddappa, East Godavari, West Godavari and Mahboobnagar to try PCR Act and atrocity cases. |
| Bihar | Four more mobile courts have been recently set up at Anantapur, Vijayanagaram, Nellore and Nizamabad. |
| Karnataka | Four Special Courts set up at Patna, Muzaffarpur, Purnea and Hazaribagh to try PCR Act and atrocity cases. |
| Madhya Pradesh | Two Special Courts set up at Mysore and Beigauin. |
| Rajasthan | Four Special Courts set up at Bhopal, Gwalior, Sagar and Bilaspur to try PCR Act cases. The State Government has moved the High Court for seeking its concurrence on the proposal that these Special Courts should also be given powers to try cases of atrocities against the members of Scheduled Castes. |
| Tamil Nadu | Eight mobile Special Courts at Rajgarh, Baran, Attru, Itawah, Alwar, Kota, Behror and Nagaur to try PCR Act and atrocity cases. |
| Orissa | Four mobile Special Courts set up at Madurai, Tirunelveli, Tiruchirapalli and Thanjavur (Kumbakonam district) to try PCR Act and atrocity cases. |
| Uttar Pradesh | The High Court has since cleared the State Governments' proposal to set up four Special Courts. The State Government is seized of the matter. |
| | The State Government has sought the permission of the High Court for setting up Special Courts. The High Court's permission is awaited. |

(iv) *Setting up of Committees*

Committees have been set up in Andhra Pradesh, Bihar, Rajasthan, Haryana, Himachal Pradesh, Tamil Nadu, Tripura, West Bengal, Goa, Daman & Diu, Delhi and Pondicherry. Reports on periodicity of the meetings held and action taken, if any, for the eradication of untouchability during the year 1985 have, however, not been furnished to the Commission. In the remaining states, no committee has been formed on the ground that practice of untouchability is negligible in them.

(v) *Periodic survey*

Some of the states like Bihar, Gujarat, Kerala, West Bengal, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh have undertaken surveys to ascertain the extent of untouchability prevalent in those states.

(vi) *Identification of Untouchability-prone areas*

| Name of the State | District/Area identified as Untouchability prone |
|-------------------|-----------------------------------------------------------------------------------------------------------|
| Bihar | Nalanda, Rohtas, Bhojpur, Gaya, Vaishali, Samastipur, Begusarai, Bhagalpur, Monghyr and Ranchi districts. |
| Gujarat | 72 villages out of 167 villages surveyed in 1985. |
| Karnataka | Bangalore, Kolar, Mysore, Mandya, Tumkur, Gulbarga and Bijapur districts. |
| Kerala | Kasargode area of Cannanore district and Palghat district. |
| Madhya Pradesh | Sagar, Guna, Khargaoon, Bilaspur, Mandsore, Murena, Damoh, Durg, Dhar, Jabalpur and Shivpuri districts. |
| Maharashtra | 531 villages (identified in 1985). |
| Tamil Nadu | 564 villages (identified in 1985). |

CHAPTER IV

ATROCITY AGAINST THE SCHEDULED CASTES AND THE SCHEDULED TRIBES

There is no legal definition of the term 'atrocity' and the general understanding of its meaning has been derived from the various instructions issued by Government of India from time to time. The States have tended to apply their own interpretations and have furnished atrocity statistics on the basis of their own understanding. The resultant discrepancies have created difficulties in making realistic or accurate assessment of the atrocity situation in the country. In view of this the National Police Commission, in its Third Report, made the following observations :

"In the recording of crime statistics regarding atrocities on Scheduled Castes, no uniform criteria appear to have been adopted in the States. The Ministry of Home Affairs may issue comprehensive guidelines for classifying crimes as 'atrocities' to ensure proper recording and analysis of all such offences over a period of time on a country-wide basis."

4.2 The Ministry of Home Affairs has since clarified that "crimes which have ingredients of infliction of suffering in one form or the other should be included for reporting." This is based on the assumption that "where the victims of crime are members of Scheduled Castes and the offenders do not belong to Scheduled Castes, caste consideration are really the root cause of the crime, even though caste consciousness may not be the vivid and immediate motive for the Crime."

4.3 The Government of India, accordingly, suggested to the States that crimes against Scheduled Castes and Scheduled Tribes coming under specific sections of IPC be included for reporting to the Central Government. The Commission, at its meeting held on December 11, 1985, examined the matter and resolved that all offences under the IPC committed against the members of the Scheduled Castes and Scheduled Tribes by those not belonging to these communities should continue to be treated as atrocities. The Government of India has accepted the Commission's view.

Atrocity Situation

4.4 At another meeting held earlier on the 21st June, 1985, the Commission reviewed the posi-

tion relating to the cases of atrocities on Scheduled Castes/Scheduled Tribes on the basis of available data and resolved as follows :

"The number of cases of atrocities on SCs/STs does not appear to give the correct picture when contrasted against the recurrent reports in the press about the crimes committed on SCs and STs from nearly all parts of the country. This would clearly point to defective enumeration of cases. The Commission would suggest for the consideration of the Government of India that the FIR should invariably carry a column showing the caste of the victims and that of the offenders. Further, it is important to take specific and effective preventive measures. In this connection, the Commission would recommend installation, both at the Centre and in the States, of a regular system of collecting information from atrocity-prone or untouchability-prone areas. This would call for an energetic intelligence system staffed by efficient personnel.

The Commission cannot help feeling that investigations and prosecution of cases affecting SCs and STs have hitherto left much to be desired in the face of acquittals which range from 80% to 95% in the various States of the country. Special courts have also not so far provided encouraging results possibly because they are neither sufficiently mobile nor adequately staffed.

The Commission would urge the Government of India to give urgent thought to the problems that beset policing the vulnerable areas and bringing the offenders to quick and demonstrative justice."

In response to the above resolution of the Commission the then Minister of State in the Ministry of Home Affairs informed this Commission that :

"A serious thought to the cases leading to the commission of crimes against Scheduled Castes was given by the Central Government. This problem has been re-examined on the basis of our experience during the

last five years on the implementation of guidelines and their impact on the crimes against Scheduled Castes. In pursuance of this, revised guidelines have been recently issued to State Governments/Union Territory Administrations *vide* Home Minister's d.o. letter No. III 11011/4/85-PCR (DESK) dated the 15th April, 1985. The States have been requested to analyse a deeper social malaise contributing to the rift between the communities....."

4.5 Copies of the Commission's resolution were forwarded to all the Chief Ministers (excluding North Eastern States but including Assam), Governor of Punjab, Lt. Governor of Delhi and Chief Minister of Pondicherry. Attention of the States was also drawn to the Union Home Minister's d.o. letter No. III. 11011/4/85-PCR (DESK) dated the 15th April, 1985 forwarding therewith detailed guidelines on prevention and control of crimes against Scheduled Castes and another d.o. letter No. 17012/39/84-TD(N) dated the 8th May, 1985 expressing concern about atrocities on Scheduled Tribes. The State Governments were requested to inform the Commission of the specific measures adopted by them to combat the evil of atrocity on Scheduled Castes/Scheduled Tribes and effectiveness of these measures so far. Replies have been received only from the States of Andhra Pradesh, Himachal Pradesh, Madhya Pradesh, Maharashtra, Chandigarh, Delhi, Goa, Daman & Diu and Lakshadweep.

4.6 The State Government of Andhra Pradesh is said to be taking all possible steps to put down atrocities against the Scheduled Castes and Scheduled Tribes. Strict instructions have been issued to the District Collectors and the District Superintendents of Police to take firm and decisive action in regard to any crime against the members of Scheduled Castes and Scheduled Tribes. The instructions of the Government of India have been communicated to all the district civil and police officials and comprehensive instructions on relief and rehabilitation of victims of atrocities have also been issued.

4.7 The Government of Himachal Pradesh has accepted the suggestion of the Commission that the FIRs regarding crimes committed should contain a separate column for giving the caste of the victims and the offenders and necessary steps are being taken to implement this suggestion. Instructions have also been issued to the State CID for timely collection of advance intelligence about brewing of tension that could lead to atrocity. The State Government has

recently started periodic review of the cases of atrocities ending in acquittal so that shortcomings identified could be removed in future.

4.8 Madhya Pradesh is one of the States which has adopted comprehensive measures to tackle the atrocity situation. The Collectors and the SPs of the districts have been made responsible for the prevention of atrocities and have been directed to visit the spot immediately in the event of an incident of atrocity taking place. Other important steps that have been taken include identification of sensitive areas from the point of view of atrocities so that district authorities regularly visit them to assess the discontent and genuine grievances of the aggrieved; collection of advance intelligence by the Special Branch; investigation of cases of atrocities by a team headed by a gazetted officer with at least one member of the team being a member of the Scheduled Castes/Tribes; prompt resolution of land disputes; cancellation of arms licences and forfeiture of arms of those committing atrocities on the members of Scheduled Castes/Tribes and issue of arms to the members of Scheduled Castes and Scheduled Tribes wherever necessary; the removal of conditions that lead to exploitation of the Scheduled Castes and Scheduled Tribes and the ensuring of payment of minimum wages and the setting up of Special Police Stations in sensitive areas. The State Government has also decided that a person convicted of an offence under the Indian Penal Code against a member of the Scheduled Caste would be deprived of the benefits of various welfare schemes of the State, e.g., could cease to be entitled to loan from Cooperatives and would also lose his membership of the Cooperative Societies. Adequate attention has also been paid to the rehabilitation of the victims of atrocities. The State Government is implementing what is called the M.P. Harijan/Adivasi Rahat Yojna under which relief is sanctioned to members of the Scheduled Castes and Scheduled Tribes suffering physically and whose property is damaged as a result of atrocity.

4.9 The weaker sections, especially the Scheduled Tribes, are often subjected to exploitation due to land alienation and debt bondage. The Government of Madhya Pradesh has taken steps in this regard also. In connection with land alienation, suitable provisions have been made in the M.P. Land Revenue Code. Section 165 of the Code imposes a ban on transfer of land by a tribal to a non-tribal in the Scheduled Areas. Even in the areas outside the Scheduled Area, transfer of land of a tribal to a non-tribal can be effected only with the permission of the Collector. sections 170A and 170B have been added in the

M.P. Land Revenue Code which provide for restoration to the tribal owner of land alienated by fraud. Amendments have been made in the M.P. Money Lenders Act in order to safeguard the interest of debtors. Similarly, the State Government has enacted the M.P. Gramin Rin Vimukti Adhiniyam 1982 which provides that every debt advanced before 16 August, 1982 to marginal farmers, tribal artisans, landless agricultural labourers and small farmers shall be deemed to have been cleared. Since most of the tribals fall in these categories, this has given them considerable relief. Under the rules of this Act, the Collectors are empowered to have the pledged property restored to its owners. Arrangements have been made for sanction of loans to the tribals through the State Financing Agencies.

4.10 The Government of Maharashtra has issued detailed instructions to curb atrocities. A Special Cell has been set up by the State Government to monitor the situation and take necessary follow up action. There appears to be a general awareness of their rights amongst the Scheduled Castes, Scheduled Tribes and other weaker sections. They do not hesitate to lodge complaints at the Police Stations and vigorously pursue the matter with the authorities concerned through their own organisations, leaders and political representatives.

4.11 The Union Territory Administrations of Chandigarh and Delhi have also taken necessary steps. A Special Cell under a Deputy Superintendent of Police has been set up at Chandigarh. In Delhi, five Revenue-cum-Harijan Cells have been constituted at the Development Block level to settle disputes over land allotted to Harijans. A scheme for strengthening the machinery has been approved by the Planning Commission and a comprehensive rehabilitation scheme for Scheduled Castes and Scheduled Tribes victims of atrocities has been referred to the Government of India, Ministry of Home Affairs for approval by the Delhi Administration.

4.12 The Commission regrets to mention that most of the States/Union Territories did not furnish the required information on all the issues raised by the Commission in its communication, while some others viz. Assam, Bihar, Jammu & Kashmir, Karnataka, Punjab, Tamil Nadu, Uttar Pradesh, West Bengal and Pondicherry have not yet responded.

INCIDENCE OF ATROCITY AGAINST SCHEDULED CASTES

4.13 A statement indicating the number of incidents of atrocities against the Scheduled Castes during the years 1982 to 1985 is at Annexure I. A decline

is observed in the number of atrocity cases during the year 1985 as compared to that reported during 1984. The highest number of cases has been reported from Madhya Pradesh (4890), followed by Uttar Pradesh (4135), Rajasthan (1437) and Bihar (1402). In the two states of Gujarat and Tamil Nadu, there has been a consistent increase in the number of cases since 1982, while in Jammu & Kashmir, there has been a consistent decline. The states of Andhra Pradesh, Bihar, Haryana, Himachal Pradesh, Punjab, Rajasthan, Uttar Pradesh and West Bengal recorded an increase in the number of cases in 1984 as compared to that of 1983 but registered a decline in varying degrees in 1985. Madhya Pradesh, which had been accounting for about 1/3rd of the total number of cases of atrocity on Scheduled Castes and which had shown an upward trend during the years 1982 to 1984, registered a substantial decrease in 1985. The statement shows a spurt in the number of cases in Orissa in 1985 as compared to 1983 and 1984. Kerala had recorded marginal fluctuation in the atrocity cases during the years 1982 to 1984, but it registered a substantial rise in 1985. Of the remaining States/UTs, West Bengal had maintained an almost static trend during the last three years but recorded a significant decrease in 1985.

4.14 There has been an overall decrease in the major offences like murder, violence, rape and arson and other IPC offences during the year 1985. Annexure II contains the offence-wise break up of atrocity cases during the years 1982—85, and a further State-wise break up is given in Annexure III. The States of Gujarat, Haryana, Karnataka, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal reported increase in the number of murder cases during 1985 as compared to the preceding year; while the States of Andhra Pradesh, Bihar, Kerala, Madhya Pradesh and Orissa reported a decline during this period. The decrease was significant particularly in respect of Bihar and Madhya Pradesh. In cases of violence, the states of Gujarat, Himachal Pradesh, Karnataka, Maharashtra, Orissa and Uttar Pradesh reported marginal increase in the year 1985 as compared to that of 1984 and the states of Andhra Pradesh, Bihar, Haryana, Kerala, Madhya Pradesh, Rajasthan, Tamil Nadu and West Bengal registered a decrease. So far as the crime of rape against Scheduled Caste women is concerned, while Rajasthan recorded a significant increase, Bihar, Madhya Pradesh and Maharashtra showed a downward trend in the year 1985 as compared to the preceding year. The fluctuation in respect of other states was marginal. As regards arson cases, Gujarat, Karnataka and Uttar Pradesh recorded a spurt in the year 1985 over the figures of the preceding year, while Bihar, Maharashtra

tra and Rajasthan recorded a sharp decline. There was an insignificant fluctuation in the incidence of arson in other states, and there was some decrease in the number of cases under other IPC offences in Bihar, Madhya Pradesh, Maharashtra and Uttar Pradesh.

INCIDENCE OF ATROCITY AGAINST SCHEDULED TRIBES

4.15 A statement showing the number of atrocity cases against Scheduled Tribes during the years 1982 to 1985 is at Annexure IV. Although there was a decrease in the overall figures of atrocity against the Scheduled Tribes in the year 1984 as compared to those of 1982 and 1983, there was an upward fluctuation in 1985. The states of Bihar and Orissa recorded a consistent increase from 1982 to 1985, while Rajasthan registered a gradual decrease. In Gujarat, though the number of atrocity cases against Scheduled Tribes had declined in 1983 as compared to the figure of 1982, there has been consistent increase thereafter. In Madhya Pradesh and Maharashtra, there was a decline in 1984 over the figures of the preceding two years and again an upward swing in 1985. Andhra Pradesh has been recording a consistent rise in such cases from 1982 to 1984 but there was a sharp decline in 1985. Kerala recorded a marginal decrease in the year under review as compared to the preceding year.

4.16 A comparative statement showing offence-wise break-up of atrocity cases against Scheduled Tribes is appended at Annexure V and the State-wise distribution at Annexure VI. These statements show that there has been only marginal fluctuation in the number of cases of murder and violence in the year 1985 as compared to the previous year. In the cases of rape against Scheduled Tribe women, there was a gradual increase during the years 1982 to 1984 and a significant decline in 1985. The position in respect of arson has fluctuated : there was a spurt in 1983 over the figure of 1982 followed by a sharp decline in the year 1984 and again a marked increase during 1985. In cases of murder, the States that recorded a marginal upward trend were Andhra Pradesh, Bihar, Gujarat and Kerala while in Madhya Pradesh, though there was an increase in 1983 as compared to the figure of the preceding year, there was a consistent decline since then. So far as the number of cases of violence is concerned, Madhya Pradesh, which accounted for about two-third of the total number of cases under this category, showed an increase in the year 1985 over the figure of the preceding year. The States that recorded marginal or negligible decline in this category as compared to the preceding year were Andhra Pradesh, Bihar, Gujarat, Maharashtra and Rajasthan. As re-

gards the cases of rape against Scheduled Tribe women, Andhra Pradesh, Bihar, Kerala, Madhya Pradesh and Orissa recorded a significant decline while Rajasthan showed an upward trend. Similarly, in cases of arson, while there was a decrease in 1984 over the figure of the preceding year in Bihar, Madhya Pradesh and Maharashtra an upward trend was visible during 1985. Rajasthan registered a consistent decrease over the years since 1982.

4.17 The Commission notes with considerable dismay that crime against Scheduled Tribes continues to be on the high side. There is need for the state governments to view the situation more seriously and to intensify remedial measures. A well known method of effectively dealing with crime and criminals is collection of advance intelligence about the potential and possibility of organised crimes so that appropriate preventive action can be taken in time. Failing that, proper registration of crimes and efficient investigation and speedy punishment are the other imperatives.

4.18 Annexure VII shows the position in regard to disposal of cases of atrocities against Scheduled Castes by the police. The Commission is also concerned about the increasing trend in the pendency of investigation into atrocity cases. In states like Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Tamil Nadu, the cases pending with police for investigation have gone beyond the number of cases brought forward from the previous year. In Karnataka 92.08% of the total number of cases disposed of by the police ended in charge-sheet. In Himachal Pradesh, Maharashtra, Orissa, Punjab and Rajasthan the percentage of the cases charge-sheeted varied from 80% to 86%. In Tamil Nadu and Uttar Pradesh the percentage of the challaned cases varied between 70% and 80%.

4.19 The disposal of atrocity cases (against the members of the Scheduled Tribes) by the police in 1985 is shown in the statement at Annexure VIII. Pendency with the police piled up further in Madhya Pradesh and Rajasthan. Maharashtra has the distinction of filing charge-sheets in over 90% cases. Whereas about 85% cases were charge-sheeted in Madhya Pradesh, and Orissa. Rajasthan fell behind by filing charge-sheets in about 75% cases only.

DISPOSAL OF ATROCITY CASES BY THE COURTS

4.20 The disposal cases of atrocity against the Scheduled Castes by the courts during the year 1985 is shown in the statement at Annexure IX. The pendency of atrocity cases with the courts continued to show a disturbing trend as in most of the States, notably Karnataka, Madhya Pradesh, Orissa, Punjab,

Rajasthan, Tamil Nadu and Utter Pradesh, the pendency mounted further. In Madhya Pradesh, as against 3946 cases of the previous year that had remained pending for trial in the beginning, the number of such cases by the end of the year went up to 6091 because of the disposal being as low as 38%. Two states that improved their position in this regard were Himachal Pradesh and Maharashtra. Out of the cases disposed of by the courts, an extremely high number of cases ended in acquittal in Karnataka (96.25%) followed by Orissa (93.1%), Tamil Nadu (89.91%), Punjab (80%), Maharashtra (67.41%), Uttar Pradesh (65.67%) and Himachal Pradesh (65.38%). This alarmingly high percentage of acquittals is indicative of weaknesses in investigation and presentation of cases in courts. The situation requires serious thinking and prompt remedial measures by the concerned States. Similarly, special measures are also required to be taken to reduce the pendency of cases in the courts.

4.21 A separate statement showing disposal of cases of atrocity against the Scheduled Tribes by the courts is appended at Annexure X. The number of cases pending trial went up in Madhya Pradesh, Orissa, Rajasthan and Tamil Nadu. The only State which improved the position was Maharashtra. The position of conviction in the cases against the Scheduled Tribes was slightly better as compared to those against the Scheduled Castes. Madhya Pradesh recorded acquittals in 45.32% cases, followed by Rajasthan (53.12%), Maharashtra (59.4%) and Orissa (68.75%). The major States that failed to furnish the required information regarding the disposal of atrocity cases by the police and the courts, despite repeated requests were Andhra Pradesh, Bihar, Gujarat, Haryana and West Bengal.

REPRESENTATIONS RELATING TO ATROCITIES, UNTOUCHABILITY ETC. RECEIVED DURING THE 'PADYATRA' OF VEN'BLE LAMA LOBZANG, MEMBER OF THE COMMISSION

4.22 An important event of the year was a 'Padyatra' performed by Ven'ble Lama Lobzang, Member of the Commission who covered nine districts of Uttar Pradesh from Ghaziabad to Lucknow from September 30 to November 5, 1985. On the way, he met a cross-section of people in the villages who were largely members of the Scheduled Castes and got to know about their problems and grievances. He received a total of 181 complaints relating to atrocity and untouchability. Of these, 25% pertained to land disputes and another 25% against the police either for not registering cases or for alleged harassment. The remaining representations related to false involve-

ment in cases of litigation owing to caste enmity (21%), non-payment of minimum wages (4%), practice of untouchability (4%), bonded labour (4%), plea for providing monetary relief to alleged atrocity victims (4%) and miscellaneous related matters (13%). The representations received during the 'Padyatra' were forwarded to the concerned district magistrates for taking necessary action. The Commission is following-up all these cases.

COMMISSION'S ENQUIRIES INTO ATROCITY CASES

4.23 One of the functions of the Commission, as listed in the Ministry of Home Affairs Resolution dated 21-7-78, is to ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures including measures to ensure prompt investigation of the offences. The incidents of atrocity come to the notice of the Commission mainly through the press reports. The Commission generally asks for a factual report from the concerned State Government. In certain very important cases, the Commission gets on-the-spot enquiries conducted through the police officers from Headquarters or through its field officers. The experience of the Commission has been that some of the State Governments are not adequately responsive in sending factual reports on such incidents inspite of repeated requests, while some others either send a very sketchy report or do so after inordinate delay making it difficult for the Commission to offer its suggestions/recommendations for timely remedial action and follow-up. During the year under report, the Commission conducted a number of on-the-spot enquiries either through the police officers of the Commission or its field offices with a view to ascertaining the socio-economic and other relevant circumstances accounting for the Commission of offences against members of the Scheduled Castes and Scheduled Tribes and also to find out adequacy or inadequacy of action taken by the concerned police/civil authorities. A gist of the field enquiries conducted into some serious cases of atrocity indicating, *inter alia*, the suggestions/recommendations of the Commission is given at Annexure-XI.

4.24 The factors responsible for the commission of atrocities against Scheduled Castes and Scheduled Tribes, as emerging from the studies undertaken by the Commission and its field officer are as follows :

1. Unresolved land disputes.
2. Non-payment of minimum wages.

3. Persistence of caste prejudices among the caste-Hindus against the Scheduled Castes.
4. Failure of the local police in the collection of advance intelligence.
5. Inaction/inadequate preventive action on the part of the police even where advance information about brewing of tensions was available.
6. Delayed or insufficient action on the part of the police on the occurrence of the incidents.

STUDY OF ATROCITY CASES ENDING IN ACQUITTALS

4.25 The Commission has been concerned about the high percentage of atrocity cases that drag on in the courts for long periods and finally end up in acquittals. The Commission directed five of its field offices located at Ahmedabad, Bhopal, Lucknow, Patna and Madras to undertake case studies of atrocities which occurred during the past three years and ended in failure. Briefs of the cases studied alongwith the conclusions drawn by the Lucknow, Bhopal and Madras offices are given at Annexure XII. The main factors responsible for the failure of the cases of atrocity in the courts were found to be as follows:

1. Economic vulnerability of the witnesses leading to their being won over at the hearing stage;
2. Pendencies of the atrocity cases in the courts for long periods;
3. Atrocity cases being taken up by less experienced prosecutors and some of them playing dubious roles;
4. Lack of interest by the police in investigation of the case;
5. Failure on the part of investigating officer to produce requisite evidence; and
6. Lack of adequate support and protection by the police to the prosecution witnesses.

From the studies conducted by the Commission and its field staff of the cases of atrocities ending in acquittal in the courts and also of the cases of atrocities at the stage of investigation, it is seen that the police and the prosecuting officers have a major role to play by way of prompt investigation and effective presentation in courts. Failure on the part of the police and the prosecuting officers to discharge their duties effectively and promptly has resulted in the commission of atrocities with greater impunity.

On the basis of information gathered through such studies, the Commission recommends that necessary amendments in the Indian Penal Code on the lines of

Section 10 of the PCR Act 1955 should be made to hold the police and/or the prosecuting officers responsible for abetment of the offences which they investigated/prosecuted if they are found lacking or wilfully negligent in the discharge of their duties. This would ensure that police/prosecuting officers discharge their duties faithfully and according to law.

IMPLEMENTATION OF THE MINIMUM WAGES ACT

4.26 The Commission has been greatly interested in the implementation of the Minimum Wages Act because in a number of cases of atrocities on Scheduled Castes and Scheduled Tribes the root cause has been identified as non-payment of minimum wages. Out of 5.5 crores agricultural labour (Census 1981) in the country, 2.5 crores are from Scheduled Castes (1.8 crores or 32.88 per cent) and Scheduled Tribes (0.7 crores or 12.93 per cent) which forms 45.8 per cent of the total agricultural labour. The ratio of Scheduled Castes and Scheduled Tribes agricultural labourers to total agricultural labourers has increased from 42 per cent in 1971 to 45.8 per cent in 1981.

4.27 Under the provisions of the Minimum Wages Act, every State/UT is required to fix the minimum rate of wages to be paid to the labourers in certain Scheduled employments in which there is scope for exploitation. Employment in the agricultural-sector is covered under Part II of the Schedule to the Minimum Wages Act 1948. The minimum rates of wages, as fixed by the Central Government and various States and Union Territories, have been shown in Annexure XIII. It is seen that some of the States/UTs have fixed minimum wages as low as Rs. 6; whereas others have fixed wages as high as Rs. 16.71. The visibly low rates of minimum wages require to be revised upwards in order to narrow down the glaring disparity. This would also to an extent prevent exodus of labour from one State to another in search of better employment opportunities.

4.28 According to Section 3(1) (b) of the Minimum Wages Act 1948, rates of minimum wages are required to be reviewed at intervals not exceeding 5 years and, if found necessary, revised. However, the 31st Conference of the Labour Ministries held on 19-20 July, 1980 recommended that the minimum wages should be revised, if necessary, at least once in two years or on a rise of 50 points in the CPI number, whichever is earlier. Keeping in view the inflationary conditions in the country the Commission recommends that Section 3(1)(b) of the Minimum Wages Act may be amended to make it obligatory for the States/UTs to review and revise the rates of minimum wages atleast once in two years or on a rise of 50 points in the CPI number, whichever is earlier. This would enable the

labourers from the unorganised sector to get minimum wages that could ensure for them a minimum living. The Commission would further recommend that while fixing the rates of minimum wages, the State Governments/UT Administrations should keep in mind the rates of minimum wages fixed by the neighbouring States/UTs so that the disparity in wages prevailing in the region is removed to the extent possible.

Enforcement of minimum wages

4.29 According to Section 19(1) of the Minimum wages Act, "The appropriate Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purpose of this Act and define the local limits within which they shall exercise their functions". Besides appointing 'Inspectors' in labour Department exclusively for the implementation of the Minimum Wages Act, some States have conferred the powers of Inspectors to officers of other departments like Revenue, Agriculture and Cooperation and have constituted implementation committees at various levels. For proper enforcement of the minimum wages, some States have given wide publicity through radio and press and printing of pamphlets and posters about the provisions of the Minimum Wages Act.

4.30 A significant step taken by the Central Government has been the launching of a Centrally Sponsored Scheme on a pilot basis for giving assistance to four States having a sizeable population of SCs/STs, namely, Madhya Pradesh, Rajasthan, Orissa and Manipur. This has been done in order to strengthen their implementing machinery for securing effective enforcement of minimum wages for agricultural workers. The scheme envisages appointment of 200 Rural Labour Inspectors (RLIs) in blocks where the population of SC/ST agricultural workers is 70 per cent or more. The Planning Commission has approved an outlay of Rs. 40 lakhs for 1986-87 and modalities of appointment of these Rural Labour Inspectors have been finalised.

4.31 The position regarding the number of inspections made, irregularities detected and prosecutions launched under the Minimum Wages Act is given in Annexure XIV. This is based on the "Quarterly Progress Report on Implementation of 20-Point Programme" for the period January—March 1986 of the Ministry of Programme Implementation and the information directly received in the Commission from different State Governments. Some of the States/UTs have not carried out any inspections and, therefore, no irregularities have been detected nor any prosecution launched. In the interest of the work-force engaged in agriculture, which is by and large, an

unorganised sector, it is necessary that in every State/UT more frequent inspections are carried out in order to detect the irregularities and to prosecute the defaulting employers.

Implementation of the bonded labour system (abolition) Act, 1976

4.32 Harrowing tales of abject poverty and inhuman suffering of people kept in bondage for generations are still reported in the press from time to time. It is a matter of deep concern that even after four decades of freedom, sections of our people continue to live in bondage from generation to generation in sub-human conditions. The Bonded Labour System (Abolition) Act, which was passed in 1976, seeks to abolish bonded labour in all its forms. It provides for identification, release and full rehabilitation of bonded labour. For this purpose, vigilance committees at the District and Sub-division level have been set up by most of the States/UTs in which bonded labour exists. One of the functions of the vigilance committees, as prescribed under section 14(1)(e), is "to make a survey as to whether there is any offence of which cognizance ought to be taken under this Act". The vigilance committees, therefore, are meant to be entrusted with the job of identification of the bonded labour in all forms, besides pursuing the progress of the cases that have been registered for violation of the provisions of the Act. Comprehensive surveys do not seem to have been made by the vigilance committees as yet. The Commission, therefore, recommends that the vigilance committees at various levels should undertake block-wise and panchayat-wise surveys and ensure that not a single bonded labour is left unidentified. This should be followed up by comprehensive rehabilitation of the bonded labourers identified and freed in order to prevent them from relapsing into bondage. Intensive surveys would have to be carried out particularly in areas that are known for their economic backwardness and prevalence of feudal order. The prosecution of the violators of the Act is required to be pursued with speed.

4.33 Point Sixi of the restructured 20-Point Programme of 1986 has placed renewed emphasis on the rehabilitation of bonded labour through a fuller implementation of the laws abolishing bonded labour and the involvement of voluntary agencies in the programmes for rehabilitation of bonded labour. The involvement of voluntary agencies is significant and it highlights the need for social action in this area. The Central Government has raised the ceiling under the centrally sponsored scheme for rehabilitation of the bonded labour from Rs. 4,000 to Rs. 6,250 w.e.f. 1-2-1986. This infuses greater realism into the effort of rehabilitation. A sum of Rs. 500 per bonded

labourer will continue to be paid out of the total amount of Rs. 6,250 as subsistence grant immediately on release.

4.34 The Commission has keenly watched the implementation of the Bonded Labour System (Abolition) Act as the majority of the identified and released bonded labourers were found to belong either to Scheduled Castes or Scheduled Tribes. Reports received from the States have indicated that during 1985-86, 79.65 per cent of the identified and freed bonded labourers of Rajasthan belonged to Scheduled Castes (23.90 per cent) and Scheduled Tribes (55.75 per cent). In Uttar Pradesh, the percentage of Scheduled Castes was as high as 74.25 and Scheduled Tribes 20.90 out of the total identified and released bonded labourers during the same period.

4.35 In the 12 states that have come to notice because of the problem of bonded labourers, as many as 2,05,923 bonded labourers were identified and out of them 1,60,268 were rehabilitated till 31-3-86. While cent per cent rehabilitation of the identified and released bonded labourers was achieved in Kerala and Haryana, the achievement in Tamil Nadu and Uttar Pradesh was about 95 per cent and in Gujaart and Rajasthan the figure was more than 90 per cent. Karnataka, Orissa and Andhra Pradesh had rehabilitated less than 75 per cent of the identified bonded labourers and require to accelerate their efforts in this direction.

4.36 The statement in Annexure XV shown the State-wise targets fixed for 1985-86 for the rehabilitation of bonded labourers. The targets have been further sub-divided into four quarters. The achievements as against the fixed targets in the four quarters have also been reflected alongwith the percentages both quarterly and yearly. As will be seen, Andhra Pradesh rehabilitated more than 100 per cent bonded labourers in all the four quarters of 1985-86 and its cumulative achievement for the year is 98 per cent, whereas Bihar and Gujarat achieved 107 per cent and 112 per cent respectively of the targets fixed. By the rehabilitation of all the 295 identified bonded labourers Haryana had achieved 100 per cent target during the year. The achievement was less than 50 per cent in Karnataka and Madhya Pradesh which recorded 49 per cent and 39 per cent respectively. Maharashtra, Tamil Nadu, Rajasthan and Uttar Pradesh claimed to have exceeded their target. The overall achievement of the States was, however, only 78 per cent. Vigorous efforts are, therefore, required to be made by the States that have lagged behind.

4.37 The rehabilitation of the bonded labourers immediately after their identification and release was often delayed due to various factors like delay in formation and sanction of schemes, release of States' share of assistance and submission of utilisation certificates for the grants released in the previous years. In order to accelerate the pace of rehabilitation of bonded labourers, the procedure for sanction of rehabilitation schemes has been simplified w.e.f. 17-9-85. The State Governments have now been authorised to delegate the powers of sanction of rehabilitation schemes to the District Collectors/Divisional Commissioners by setting up the screening committees at the district level. The procedure for release of grants has also been simplified and now the Central share will be released immediately on the receipt of intimation from the State Governments about the sanction of rehabilitation schemes. The release of the State's share will no longer be a pre-condition for release of Central share as was the case earlier.

4.38 As regards the modes of rehabilitation, field studies conducted by the Commission have indicated that the integrated and community approach was more successful compared to the individual approach. However, it would be better if the choice of the beneficiaries was ascertained before imposing a particular (group/ community rehabilitation) approach.

4.39 The Ministry of Labour, Government of India has been advising the State Governments concerned from time to time to vigorously pursue the programmes of identification, release and rehabilitation of bonded labourers and to make all out efforts to achieve the targets fixed. For this purpose the States have been advised to set up review committees to monitor and review the implementation of the programmes. The Commission recommends that for coordinating the activities of various financial institutions and government agencies involved in the rehabilitation of the released bonded labourers, the States should make a single agency authority responsible for looking into all the aspects of rehabilitation so that assistance given to the beneficiaries is fruitfully utilised and back-up services provided till such time as the beneficiaries become fully self-reliant.

Studies of Rehabilitation of Bonded Labour

4.40 During 1985-86, some of the field offices of the Commission undertook a study of rehabilitation of bonded labour. The salient facts that came out during the studies are as follows :

1. *Kerala*.—A study of the rehabilitation of bonded labour in Wyand and Calicut Districts of Kerala showed that the majority of the bonded labourers identified

in the State belonged to Scheduled Tribes. Out of the 14 samples of bonded labourers studied in detail in Wynad, only four were found to have been rehabilitated and additional doses of assistance were required to be given to the remaining ten. The study also indicated that land-based schemes were more successful than the cattle-based ones. A collective farm under a society at Vattachara in Calicut District was started for rehabilitation of 60 families of released bonded labourers. However, only 47 families were rehabilitated and only 37 eventually stayed back at the farm. The remaining ten families started working as agricultural labourers with the neighbouring landlords who provided better wages and facilities.

2. *Madhya Pradesh*.—Most of the bonded labourers identified and released in the two districts of Raipur and Panna in Madhya Pradesh were found to belong to Scheduled Castes and Scheduled Tribes. 'Kamiya' form of bonded labour, prevalent in Chattisgarh region of Madhya Pradesh distinct from other forms of bonded labour such as 'Malha' (casual labour), 'warshi' (annual workers) and 'Kuthia' (household labour) in which young children are employed was found to be in existence in the studied districts. The bonded labourers so identified were found suffering from extreme poverty. Agricultural and other work given to them was found to be very heavy. The study indicated that if proper investigation was made the

number of identified bonded labourers would go up considerably. No case of relapse of bonded labour came to notice though it was found that only ad hoc grants of amounts ranging from Rs. 500 to Rs. 1500 per beneficiary were given instead of the stipulated amount of Rs. 4000 per bonded labourer. The vigilance committees were found to be weak and as a result follow up action was hardly taken.

3. *Rajasthan*.—The Jaipur office of the Commission undertook a study of rehabilitation schemes on the bonded labourers of Jorawarpur and Rattapani villages of Dungarpur District. Samples of 30 families belonging to Bheel tribe in Jorawarpur and 37 families from village Rattapani, who were rehabilitated on a group-oriented approach were taken up for the study. It was observed that each family had been provided 15/16 bighas of land and a sum of Rs. 600. The beneficiaries themselves took the initiative in making the land cultivable by digging wells. The rehabilitation effect in the district was found to be successful. No case of relapse into bondage, nor of selling of land allotted for rehabilitation of the bonded labour, was reported from the district. The success can be attributed mainly to the group/community approach adopted for rehabilitation. Moreover, the quality of land distributed was good and the Bheels rehabilitated themselves took timely and proper initiative.

STATE-WISE BREAK-UP OF ATROCITY CASES AGAINST SCHEDULED CASTES

| State/UT | 1 | No. of cases reported during | | | |
|----------------------|---|------------------------------|-------|-------|-------|
| | | 1982 | 1983 | 1984 | 1985 |
| | 2 | 3 | 4 | 5 | |
| Andhra Pradesh | . | 213 | 181 | 190 | 166 |
| Bihar | . | 2073 | 1809 | 1845 | 1402 |
| Gujarat | . | 455 | 476 | 690 | 750 |
| Haryana | . | 144 | 113 | 120 | 117 |
| Himachal Pradesh | . | 73 | 47 | 56 | 49 |
| Jammu & Kashmir | . | 45 | 23 | 11 | 00 |
| Karnataka | . | 363 | 194 | 169 | 294 |
| Kerala | . | 145 | 149 | 148 | 300 |
| Madhya Pradesh | . | 4749 | 5292 | 6128 | 4890 |
| Maharashtra | . | 680 | 704 | 579 | 428 |
| Orissa | . | 150 | 46 | 46 | 159 |
| Punjab | . | 73 | 36 | 47 | 32 |
| Rajasthan | . | 1731 | 1604 | 1648 | 1437 |
| Tamil Nadu | . | 153 | 299 | 689 | 841 |
| Uttar Pradesh | . | 3977 | 3851 | 4200 | 4135 |
| West Bengal | . | 17 | 17 | 18 | 11 |
| Delhi | . | 01 | 01 | 01 | 01 |
| Goa Daman & Diu | . | 02 | 01 | 00 | 00 |
| Pondicherry | . | 07 | 03 | 01 | 04 |
| Dadra & Nagar Haveli | . | 00 | 00 | 00 | 01 |
| Total | . | 15051 | 14846 | 16586 | 15017 |

OFFENCE-WISE BREAK-UP OF ATROCITY CASES AGAINST SCHEDULED CASTES

| Offence | 1 | 1982 | 1983 | 1984 | 1985 |
|--------------------|---|-------|-------|-------|-------|
| | | 2 | 3 | 4 | 5 |
| Murder | . | 514 | 525 | 551 | 489 |
| Violence | . | 1427 | 1362 | 1468 | 1357 |
| Rape | . | 634 | 641 | 696 | 674 |
| Arson | . | 1035 | 994 | 988 | 972 |
| Other IPC Offences | . | 11441 | 11324 | 12883 | 11525 |
| Total | . | 15051 | 14846 | 16586 | 15017 |

OFFENCE-WISE STATEMENT OF ATROCITY CASES (WITH STATE-WISE BREAK-UP) AGAINST SCHEDULED CASTES

| States | Nature of offences and number of cases reported during 1982 to 1985 | | | | | | | |
|------------------------|---------------------------------------------------------------------|------------|------------|------------|-------------|-------------|-------------|-------------|
| | Murder | | | | Violence | | | |
| | 1982 | 1983 | 1984 | 1985 | 1982 | 1983 | 1984 | 1985 |
| Andhra Pradesh . . . | 16 | 11 | 17 | 12 | 08 | 26 | 08 | 04 |
| Bihar . . . | 72 | 71 | 95 | 54 | 205 | 152 | 179 | 110 |
| Gujarat . . . | 13 | 20 | 13 | 22 | 66 | 47 | 62 | 64 |
| Haryana . . . | 01 | 01 | 03 | 08 | 21 | 16 | 17 | 18 |
| Himachal Pradesh . . | 01 | 02 | 00 | 01 | 02 | 04 | 07 | 10 |
| Jammu & Kashmir . . | 02 | 01 | 00 | 00 | 02 | 01 | 00 | 00 |
| Karnataka . . . | 19 | 15 | 16 | 20 | 05 | 05 | 02 | 07 |
| Kerala . . . | 04 | 07 | 08 | 06 | 05 | 01 | 05 | 04 |
| Madhya Pradesh . . . | 88 | 108 | 132 | 69 | 366 | 323 | 351 | 330 |
| Maharashtra . . . | 19 | 17 | 10 | 13 | 85 | 73 | 31 | 35 |
| Orissa . . . | 10 | 09 | 08 | 01 | 16 | 16 | 13 | 19 |
| Punjab . . . | 13 | 08 | 06 | 08 | 08 | 09 | 03 | 03 |
| Rajasthan . . . | 37 | 35 | 24 | 29 | 174 | 174 | 192 | 167 |
| Tamil Nadu . . . | 05 | 14 | 06 | 20 | 05 | 06 | 14 | 10 |
| Uttar Pradesh . . . | 208 | 202 | 213 | 223 | 457 | 507 | 580 | 582 |
| West Bengal . . . | 06 | 04 | 00 | 03 | 02 | 02 | 04 | 00 |
| Delhi . . . | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 01 |
| Goa Daman & Diu . . | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Pondicherry . . . | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 01 |
| Dadra & Nagar Haveli . | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Total | 514 | 525 | 551 | 489 | 1427 | 1362 | 1468 | 1357 |

| States | Nature of offences and number of cases reported during 1982 to 1985 | | | | | | | |
|----------------------------|---------------------------------------------------------------------|------------|------------|------------|-------------|------------|------------|------------|
| | Rape | | | | Arson | | | |
| | 1982 | 1983 | 1984 | 1985 | 1982 | 1983 | 1984 | 1985 |
| Andhra Pradesh . . . | 17 | 25 | 21 | 25 | 13 | 05 | 04 | 03 |
| Bihar . . . | 97 | 87 | 83 | 63 | 321 | 267 | 201 | 142 |
| Gujarat . . . | 06 | 08 | 11 | 08 | 25 | 22 | 16 | 51 |
| Haryana . . . | 59 | 23 | 26 | 26 | 07 | 04 | 06 | 03 |
| Himachal Pradesh . . . | 02 | 03 | 04 | 03 | 03 | 02 | 02 | 02 |
| Jammu & Kashmir . . . | 05 | 02 | 00 | 00 | 00 | 00 | 02 | 00 |
| Karnataka . . . | 06 | 09 | 13 | 11 | 46 | 10 | 14 | 49 |
| Kerala . . . | 07 | 11 | 18 | 19 | 07 | 06 | 09 | 10 |
| Madhya Pradesh . . . | 148 | 183 | 212 | 173 | 173 | 211 | 192 | 192 |
| Maharashtra . . . | 48 | 35 | 39 | 28 | 28 | 36 | 33 | 20 |
| Orissa . . . | 11 | 07 | 09 | 12 | 13 | 10 | 12 | 10 |
| Punjab . . . | 08 | 07 | 10 | 11 | 03 | 00 | 00 | 01 |
| Rajasthan . . . | 58 | 75 | 61 | 101 | 63 | 69 | 94 | 66 |
| Tamil Nadu . . . | 02 | 09 | 16 | 16 | 05 | 03 | 08 | 12 |
| Uttar Pradesh .. . | 152 | 148 | 176 | 177 | 327 | 344 | 377 | 408 |
| West Bengal . . . | 04 | 01 | 04 | 01 | 01 | 02 | 02 | 03 |
| Delhi . . . | 01 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Goa Daman & Diu . . . | 01 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Pondicherry . . . | 02 | 01 | 00 | 00 | 00 | 00 | 00 | 00 |
| Dadra & Nagar Haveli . . . | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Total . . . | 634 | 641 | 696 | 674 | 1035 | 994 | 988 | 972 |

| States | | Nature of offences and number of cases reported during 1982 to 1985 | | | |
|----------------------|---|---------------------------------------------------------------------|-------|-------|-------|
| | | Other IPC offences | | | |
| | | 1982 | 1983 | 1984 | 1985 |
| Andhra Pradesh | . | 159 | 114 | 140 | 122 |
| Bihar | . | 1378 | 1232 | 1287 | 1033 |
| Gujarat | . | 345 | 381 | 588 | 605 |
| Haryana | . | 56 | 68 | 68 | 70 |
| Himachal Pradesh | . | 65 | 34 | 43 | 33 |
| Jammu & Kashmir | . | 36 | 19 | 09 | 00 |
| Karnataka | . | 287 | 155 | 124 | 207 |
| Kerala | . | 122 | 114 | 118 | 261 |
| Madhya Pradesh | . | 3974 | 4467 | 5222 | 4126 |
| Maharashtra | . | 500 | 543 | 466 | 332 |
| Orissa | . | 100 | 04 | 04 | 117 |
| Punjab | . | 41 | 12 | 28 | 09 |
| Rajasthan | . | 1399 | 1251 | 1227 | 1074 |
| Tamil Nadu | . | 136 | 268 | 645 | 783 |
| Uttar Pradesh | . | 2833 | 2650 | 2854 | 2745 |
| West Bengal | . | 04 | 08 | 08 | 04 |
| Delhi | . | 00 | 01 | 01 | 00 |
| Goa Daman & Diu | . | 01 | 01 | 00 | 00 |
| Pondicherry | . | 05 | 02 | 01 | 03 |
| Dadra & Nagar Haveli | . | 00 | 00 | 00 | 00 |
| Total | . | 11441 | 11324 | 12883 | 11525 |

STATE-WISE BREAK-UP OF ATROCITY CASES AGAINST SCHEDULED TRIBES

| States | Number of cases reported during | | | |
|--------------------------|---------------------------------|------|------|------|
| | 1982 | 1983 | 1984 | 1985 |
| 1 | 2 | 3 | 4 | 5 |
| Andhra Pradesh | 31 | 33 | 55 | 25 |
| Bihar | 85 | 115 | 203 | 229 |
| Gujarat | 104 | 93 | 114 | 125 |
| Karnataka | 04 | 02 | 03 | 01 |
| Kerala | 10 | 17 | 83 | 80 |
| Madhya Pradesh | 3110 | 3119 | 2717 | 2795 |
| Maharashtra | 213 | 240 | 159 | 169 |
| Orissa | 00 | 11 | 28 | 46 |
| Rajasthan | 472 | 439 | 400 | 379 |
| Tamil Nadu | 00 | 00 | 04 | 01 |
| Uttar Pradesh | 00 | 00 | 00 | 04 |
| West Bengal | 00 | 20 | 15 | 16 |
| Andaman & Nicobar Island | 00 | 02 | 03 | 01 |
| Arunachal Pradesh | 00 | 36 | 30 | 00 |
| Dadra & Nagar Haveli | 01 | 00 | 00 | 01 |
| Total | 4030 | 4127 | 3811 | 3872 |

NOTE : No case of atrocity was reported from the remaining states.

OFFENCE-WISE BREAK-UP OF ATORCITY CASES AGAINST SCHEDULED TRIBES

| Offence | 1982 | 1983 | 1984 | 1985 |
|------------------------------|-------------|-------------|-------------|-------------|
| | 2 | 3 | 4 | 5 |
| Murder | 128 | 162 | 144 | 143 |
| Violence | 320 | 308 | 296 | 307 |
| Rape | 236 | 261 | 283 | 227 |
| Arson | 126 | 241 | 123 | 197 |
| Other IPC offences | 3220 | 3155 | 2965 | 2998 |
| Total | 4030 | 4127 | 3811 | 3872 |

OFFENCE-WISE STATEMENT OF ATROCITY CASES (WITH STATE-WISE BREAK-UP) AGAINST SCHEDULED TRIBES

| States | Nature of offences and number of cases reported during 1982 to 1985 | | | | | | | |
|--------------------------|---------------------------------------------------------------------|------|------|------|----------|------|------|------|
| | MURDER | | | | VIOLENCE | | | |
| | 1982 | 1983 | 1984 | 1985 | 1982 | 1983 | 1984 | 1985 |
| Andhra Pradesh | 01 | 01 | 02 | 04 | 01 | 08 | 06 | 01 |
| Bihar | 05 | 09 | 10 | 12 | 06 | 10 | 16 | 15 |
| Gujarat | 07 | 08 | 08 | 10 | 18 | 30 | 23 | 24 |
| Karnataka | 01 | 02 | 00 | 00 | 00 | 00 | 00 | 00 |
| Kerala | 00 | 00 | 00 | 02 | 02 | 00 | 01 | 01 |
| Madhya Pradesh | 94 | 116 | 98 | 89 | 196 | 175 | 165 | 192 |
| Maharashtra | 06 | 13 | 09 | 09 | 28 | 29 | 17 | 11 |
| Orissa | 00 | 00 | 03 | 02 | 00 | 02 | 05 | 05 |
| Rajasthan | 14 | 09 | 14 | 13 | 69 | 53 | 60 | 58 |
| Tamil Nadu | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Uttar Pradesh | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| West Bengal | 00 | 00 | 00 | 02 | 00 | 00 | 00 | 00 |
| Andaman & Nicobar Island | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Arunachal Pradesh . . . | 00 | 04 | 00 | 00 | 03 | 01 | 00 | 00 |
| Dadra & Nagar Haveli . . | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Total | 128 | 162 | 144 | 143 | 320 | 308 | 296 | 307 |

| States | Nature of offences and number of cases reported during 1982 to 1985 | | | | | | | |
|--------------------------|---------------------------------------------------------------------|------|------|------|-------|------|------|------|
| | RAPE | | | | ARSON | | | |
| | 1982 | 1983 | 1984 | 1985 | 1982 | 1983 | 1984 | 1985 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Andhra Pradesh . . . | 12 | 09 | 21 | 08 | 00 | 01 | 00 | 00 |
| Bihar . . . | 21 | 12 | 37 | 27 | 01 | 14 | 08 | 13 |
| Gujarat . . . | 02 | 07 | 09 | 08 | 04 | 05 | 01 | 01 |
| Karnataka . . . | 01 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Kerala . . . | 02 | 04 | 08 | 05 | 00 | 00 | 02 | 01 |
| Madhya Pradesh . . . | 164 | 177 | 149 | 124 | 85 | 188 | 89 | 165 |
| Maharashtra . . . | 20 | 20 | 24 | 25 | 09 | 07 | 04 | 05 |
| Orissa . . . | 00 | 05 | 15 | 07 | 00 | 02 | 02 | 00 |
| Rajasthan . . . | 14 | 19 | 11 | 19 | 27 | 19 | 16 | 11 |
| Tamil Nadu . . . | 00 | 00 | 01 | 00 | 00 | 00 | 00 | 00 |
| Uttar Pradesh . . . | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| West Bengal . . . | 00 | 07 | 08 | 04 | 00 | 01 | 00 | 01 |
| Andaman & Nicobar Island | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Arunachal Pradesh . | 00 | 01 | 00 | 00 | 00 | 04 | 01 | 00 |
| Dadra & Nagar Haveli . | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| Total . . . | 236 | 261 | 283 | 227 | 126 | 241 | 123 | 197 |

| States | Nature of offences and number of cases reported during 1982 to 1985 | | | | |
|---------------------------|---------------------------------------------------------------------|------|-------------|------|--|
| | Other | | IPC Offence | | |
| | 1982 | 1983 | 1984 | 1985 | |
| 1 | 2 | 3 | 4 | 5 | |
| Andhra Pradesh | 17 | 14 | 26 | 12 | |
| Bihar | 52 | 70 | 132 | 162 | |
| Gujarat | 73 | 43 | 68 | 82 | |
| Karnataka | 02 | 00 | 00 | 01 | |
| Kerala | 06 | 13 | 72 | 71 | |
| Madhya Pradesh | 2571 | 2463 | 2218 | 2225 | |
| Maharashtra | 150 | 171 | 105 | 119 | |
| Orissa | 00 | 02 | 03 | 32 | |
| Rajasthan | 348 | 339 | 299 | 278 | |
| Tamil Nadu | 00 | 00 | 03 | 01 | |
| Uttar Pradesh | 00 | 00 | 00 | 04 | |
| West Bengal | 00 | 12 | 07 | 09 | |
| Andaman & Nicobar Islands | 00 | 02 | 03 | 01 | |
| Arunachal Pradesh | 00 | 26 | 29 | 00 | |
| Dadra & Nagar Haveli | 01 | 00 | 00 | 01 | |
| Total | 3220 | 3155 | 2965 | 2998 | |

STATEMENT SHOWING REGISTRATION AND DISPOSAL BY POLICE OF ATROCITY CASES AGAINST SCHEDULED CASTES DURING 1985

| State/Union Territory | Number of cases with Police | | | Number of cases disposed of & ended in | | | Number of cases remained pending for completion of investigation |
|------------------------------|-----------------------------|-------|-------|----------------------------------------|---------|-------|------------------------------------------------------------------|
| | BF | Fresh | Total | Final report | Challan | Total | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Himachal Pradesh | 18 | 19 | 67 | 8 | 48 | 56 | 11 |
| Karnataka | 170 | 294 | 464 | 29 | 337 | 366 | 98 |
| Madhya Pradesh | 1901 | 4890 | 6791 | 543 | 2526 | 3069 | 3722 |
| Maharashtra | 54 | 428 | 482 | 66 | 356 | 422 | 60 |
| Orissa | 56 | 159 | 215 | 24 | 131 | 155 | 60 |
| Punjab | 1 | 32 | 33 | 6 | 26 | 32 | 1 |
| Rajasthan | 74 | 1437 | 1511 | 225 | 1026 | 1251 | 260 |
| Tamil Nadu | 107 | 841 | 948 | 176 | 655 | 831 | 117 |
| Uttar Pradesh | 691 | 4135 | 4826 | 1208 | 3017 | 4225 | 601 |
| Dadra & Nagar Haveli | — | 1 | 1 | — | — | — | 1 |
| Delhi | 1 | 1 | 2 | — | 2 | 2 | — |
| Pondicherry | — | 4 | 4 | — | 2 | 2 | 2 |

The States/UTs of Assam, Meghalaya, Nagaland, Sikkim, Tripura, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Goa Daman & Diu, Lakshadweep and Mizoram have intimated that no case of atrocity against Scheduled Castes has been registered during 1985. The remaining States did not furnish the required information.

STATEMENT SHOWING REGISTRATION AND DISPOSAL BY POLICE OF ATROCITY CASES AGAINST SCHEDULED TRIBES DURING 1985

| State/Union Territory | Number of cases with Police | | | Number of cases disposed of & ended in | | | Number of cases remained pending for completion of investigation |
|--------------------------------|-----------------------------|-------|-------|----------------------------------------|---------|-------|------------------------------------------------------------------|
| | BF | Fresh | Total | Final Report | Challan | Total | |
| Karnataka | 1 | 1 | 2 | — | 1 | 1 | 1 |
| Madhya Pradesh | 1203 | 2795 | 3998 | 412 | 2370 | 2782 | 1216 |
| Maharashtra | 18 | 169 | 187 | 13 | 155 | 168 | 19 |
| Orissa | 14 | 46 | 60 | 7 | 40 | 47 | 13 |
| Rajasthan | 19 | 379 | 398 | 81 | 265 | 346 | 52 |
| Tamil Nadu | 2 | 1 | 3 | — | 3 | 3 | — |
| Uttar Pradesh | — | 4 | 4 | 1 | 1 | 2 | 2 |
| Dadra & Nagar Haveli | — | 1 | 1 | — | — | — | 1 |

The States & UTs of Assam, Himachal Pradesh, Meghalaya, Nagaland, Punjab, Sikkim, Tripura, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Delhi, Goa Daman & Diu, Lakshadweep and Mizoram, have intimated that no atrocity on Scheduled Tribes has been reported during 1985. No information was made available by the remaining States.

STATEMENT SHOWING REGISTRATION AND DISPOSAL BY COURTS OF ATROCITY CASES AGAINST SCHEDULED CASTES DURING 1985

| State & Union Territory | Number of cases with Court | | | Number of cases disposed of & ended in | | | Number of cases pending for trial |
|----------------------------|----------------------------|-------|-------|----------------------------------------|-----------|-------|-----------------------------------|
| | BF | Fresh | Total | Convicted | Acquitted | Total | |
| Himachal Pradesh | 126 | 48 | 174 | 27 | 51 | 78 | 96 |
| Karnataka | 139 | 198 | 337 | 3 | 77 | 80 | 257 |
| Madhya Pradesh | 3946 | 2526 | 6472 | 277 | 104 | 381 | 6091 |
| Maharashtra | 1080 | 356 | 1436 | 176 | 364 | 540 | 896 |
| Orissa | 374 | 131 | 505 | 4 | 54 | 58 | 447 |
| Punjab | 14 | 26 | 40 | 2 | 8 | 10 | 30 |
| Rajasthan | 4879 | 1026 | 5905 | 162 | 244 | 406 | 5499 |
| Tamil Nadu | 424 | 655 | 1079 | 47 | 419 | 466 | 613 |
| Uttar Pradesh | 12063 | 3017 | 15080 | 803 | 1536 | 2339 | 12741 |
| Delhi | 7 | 2 | 9 | — | — | — | 9 |
| Goa Daman & Diu | 3 | — | 3 | — | 1 | 1 | 2 |
| Pondicherry | 1 | 2 | 3 | — | 1 | 1 | 2 |

The States/UTs of Assam, Meghalaya, Nagaland, Sikkim, Tripura, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra & Nagar Haveli, Lakshadweep and Mizoram have intimated that no case of atrocity against Scheduled Castes has been registered during 1985.

STATEMENT SHOWING REGISTRATION AND DISPOSAL BY COURTS OF ATROCITY CASES AGAINST SCHEDULED TRIBES DURING 1985

| State & Union Territory | Number of cases with court | | | Number of cases disposed of & ended in | | | Number of cases pending for trial |
|--------------------------|----------------------------|-------|-------|----------------------------------------|-----------|-------|-----------------------------------|
| | BF | Fresh | Total | Convicted | Acquitted | Total | |
| Karnataka | — | 1 | 1 | — | — | — | 1 |
| Madhya Pradesh | 3435 | 2370 | 5805 | 152 | 126 | 278 | 5527 |
| Maharashtra | 433 | 155 | 588 | 95 | 139 | 234 | 354 |
| Orissa | 110 | 40 | 150 | 5 | 11 | 16 | 134 |
| Rajasthan | 1527 | 265 | 1792 | 45 | 51 | 96 | 1696 |
| Tamil Nadu | 3 | 3 | 6 | — | 1 | 1 | 5 |
| Uttar Pradesh | 1 | 1 | 2 | — | 1 | 1 | 1 |

The States & UTs of Assam, Himachal Pradesh, Meghalaya, Nagaland, Punjab, Sikkim, Tripura, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Delhi, Goa Daman & Diu, Lakshadweep and Mizoram have intimated that no atrocity on Scheduled Tribes has been reported during 1985.

A STATEMENT FURNISHING GIST OF FIELD ENQUIRIES CONDUCTED INTO CASES OF ATROCITY

1. *Killing of two Scheduled Castes at village Kammathahalli PS Arasikere in Bellary district (Karnataka) on 6-3-1985*

Two Scheduled Castes were killed and two others seriously injured at Kammathahalli village in Bellary district on 6-3-1985 in a post-election clash. According to the report furnished by the District Magistrate, caste Hindus taunted and abused two SCs which led to the clash, during which caste Hindus pelted stones at SCs. The police registered cross cases in connection with the incident. The Commission's field office at Bangalore made an on-the-spot enquiry which revealed that strained relations between the SCs and non-SCs on account of sharing of drinking water and caste prejudices were the root cause of the incident. The local police took prompt and adequate measures to restore peace and book the culprits. However, as against prescribed amount of Rs. 10,000 only a sum of Rs. 7,500 was paid to the next-of-kin of each Scheduled Caste person killed during the incident. The field office took up the matter with the D.C., Bellary for enhancement of the monetary relief. The State Government, however, has not furnished to the Commission any information on the follow-up action, that might have been taken.

2. *Attack on Scheduled Castes and the burning of 160 SC houses at Thottackuruchi village, under Velunthampalayam PS, in Trichirappalli district (Tamil Nadu) on 10-4-85*

The attack on and the burning of the houses of Scheduled Castes followed an incident of teasing of a Scheduled Caste girl during a local temple festival. An on-the-spot enquiry by an officer of the Directorate for Scheduled Castes and Scheduled Tribes, Madras revealed that irate mob of Adi-Dravidars (Scheduled Castes) and Gounder communities pelted stones at each other. Subsequently, Gounders set fire to the houses of Adi-Dravidars. The police registered 20 cases in connection with the incident. Monetary relief ranging from Rs. 500 to Rs. 1,900 was provided to the affected victims. The large scale arson could have been averted had the police intervened timely and firmly. The police and the district administration had also not taken necessary preventive measures before the festival. A copy of the enquiry report was forwarded to the Tamil Nadu Government suggesting that a system of getting advance informa-

tion in such cases should be developed by the State Government with a view to adopting adequate preventive measures. A request was also made to suitably enhance the monetary relief given to the SC victims. The State Government, however, did not furnish a factual report on the incident nor did it send information on action taken on the enquiry report of the Commission's field office.

3. *Killing of five Scheduled Castes at village Karamchedu under PS Parchur in Prakasam District (Andhra Pradesh) on 17-7-85*

Five Scheduled Caste persons were killed and 18 others injured in an attack by caste Hindus in Karamchedu village under PS Parchur in Prakasam district (Andhra Pradesh) on 17-7-85. The clash followed objections raised by the Scheduled Castes against the washing of buffaloes by the Caste Hindus near a drinking water pond. The incident caused panic amongst the Scheduled Castes who fled the village. The police registered cross cases against both the groups. Despite request and repeated reminders by the Commission, the State Government did not furnish any factual report on the incident. At the instance of the Commission, the Director for Scheduled Castes and Scheduled Tribes, Hyderabad made an on-the-spot enquiry, a copy of which was endorsed to the Andhra Pradesh Government as also to the Ministry of Home Affairs, the then nodal Ministry of the Commission. The enquiry revealed that the local police had prior information of the trouble and the incident could have been averted had the police reached the village timely and intervened. Adequate monetary relief was, however, provided to the affected Scheduled Caste families.

4. *Killing of four Scheduled Castes at Rasulpur village under Garhwar PS in Ballia district (U.P.) on 6-12-1985*

Four Scheduled Castes were killed and six others, including three women, seriously injured at village Rasulpur, also known as Jaitpura, under Garhwar PS in Ballia district (Uttar Pradesh) on 6-12-85 as a sequel to a dispute over the possession of a bamboo grove. The immediate cause of provocation was plucking of bamboo leaves, which was objected to by the local Rajputs. The police registered cross cases in connection with the incident. A Superintendent of Police of the Commission made an on-the-spot enquiry into the incident. It was revealed

that the police acted promptly in completing the investigation of the case registered on the basis of the complaint of the SCs and filed a charge-sheet within eight days. A part of the monetary relief was immediately provided and the balance of the stipulated amount was disbursed by the D.M. to the concerned persons at the suggestion of the Commission. The Commission recommended that gainful employment be provided to the members of the Scheduled Castes till the situation in the village normalised, steps be taken to complete the trial of the case within six months or so, payment of adequate amount be made to the witnesses of the case on the dates they attend courts and a special drive be launched in the district to settle the land disputes in which the Scheduled Castes were involved. Though the District Magistrate accepted all these recommendations no report has been received in the Commission on the follow-up action taken thereon.

5. Beating up of the Station Officer, Sureri (a Scheduled Caste) to death in Jaunpur district (U.P.) on 18-12-1985

Amar Nath Bharti (SC), Station Officer, Sureri in Jaunpur district was beaten to death by a violent mob (50) of mostly Kurmis (a backward caste) when he had gone to Dhanvastepur ('Purwa' of village Sureri) to arrest some accused in a case. A Superintendent of Police of the Commission made an on-the-spot enquiry into the incident. It was revealed that the victim had become an eye-sore to the local Kurmis allegedly for siding with a Scheduled Caste allottee of a plot of government land adjacent to the houses of Kurmis. At the time of attack by the mob on the victim, except a Constable, who also belonged to Scheduled Caste, other police personnel, including two SIs and two Constables (all Caste Hindus) fled

to safety. Cowardice and caste prejudices by the caste Hindu police officers, appeared to be the principal factor responsible for the brutal murder. Immediately after the incident, an amount of Rs. 500 only was paid to the dependents—four minor children—of the victim, while no relief was provided to the seriously injured Scheduled Caste Constable. The Commission recommended adequate monetary compensation to the affected Scheduled Caste person. No report on the follow-up action taken by the State Government has yet been received by the Commission.

6. Killing of a Scheduled Caste in village Shakti Bajipur under Kekari PS in Gaya district on 31-12-1985

A Scheduled Caste person was killed and three others injured when a group (40) of Caste Hindu landowners and their musclemen fired on a small procession of SCs at village Shakti Bajipur under PS Kekari in Gaya district on 31-12-1985. Despite a request and reminders by the Commission, Government of Bihar did not furnish a factual report on the incident. The Commission's field office at Patna conducted an on-the-spot enquiry into the incident which revealed that the main cause of the incident was non-payment of minimum wages by the landowners to the farm labourers, most of whom belonged to Scheduled Castes. The police registered a case and arrested 12 persons. Adequate relief was provided to the affected families in cash and kind. The Commission is of the view that the machinery for implementing the Minimum Wage Act needs to be adequately strengthened and streamlined in the state so as to ensure proper implementation of the Minimum Wages Act. A close watch also needs to be kept by the State Intelligence Branch with a view to thwarting any possible exploitation of the situation by elements having pro-extremist inclination.

STUDY OF ATROCITY CASES ENDING IN ACQUITTAL

(1) *Lucknow* : 1. Killing of three Scheduled Caste persons in Piprawan Village, under Moholi PS in Sitapur District on 3-9-83.

2. Killing of three Scheduled Caste persons in Bhadevna Village under Makhi PS in District Unnao on 21-7-83.

Conclusions

(a) In both the cases the local police registered the FIR in time and under appropriate sections of IPS. The police also informed the senior officers about the incident who, in turn, visited the spot. The police also arrested the accused within a period of 4-5 days. But as the time passed, the investigating officers appeared to be taking less interest in investigation on proper lines and finally failed to present the case convincingly in the court.

(b) In both the cases, the investigating officer failed to produce all the available evidence such as forensic and ballistic experts reports, verification of alibi, etc.

(c) The police did not provide adequate support to the prosecution witnesses with the result that in the case of Unnao district, all the prosecution witnesses were declared hostile as they did not disclose anything about the incident due to fear of the accused persons.

(d) The accused of both the cases were bailed out within six months after their arrest, i.e. well before the case came up for trial. As a result they successfully intimidated the prosecution witnesses who did not get any help from the police.

(e) The role of prosecution counsel was also found to be dubious in both the cases. In one case, the prosecution counsel did not produce the investigating officer as a prosecution witness while in the other the counsel did not examine the investigating officer of the case at length.

(2) *Bhopal*

1. Killing of a Scheduled Caste person of Khuar village under Behrol PS in District Sagar on 20-7-84.

Conclusions

(a) The prosecution failed to produce any eye witness in the case.

(b) The prosecution failed to argue the case before court properly.

(c) The investigating officer failed to get evidence of independent witnesses as no one wanted to involve himself in the case and annoy the accused.

2. Rape of two Scheduled Caste women of village Ganesh Ganj under Sanodha PS in District Sagar on 29-9-82.

Conclusions

(a) Both the complainants turned hostile in the court.

(b) The police failed to arrest the accused persons immediately after the commission of crime and, as a result, the accused got ample time to pressure the complainants and give threats to the witnesses.

(c) The incharge of the police station did not inform any senior officers about the case and no senior officer either visited the place of occurrence or supervised the case.

(d) The complainant having turned hostile, the prosecution dropped the evidence of the witnesses also.

(3) *Madras*

1. Murder of a Scheduled Caste person at Chéngam under same PS in North Arcot District (TN) on 24/25-10-80.

Conclusions

(a) An important witness in the case was threatened with consequences by the accused and he did not depose before the court. Some other witnesses were also prevented

by the accused from deposing before the court. The police reportedly asked the witnesses to attend the trial in small groups. This created a feeling of insecurity among them and, consequently, all the 31 witnesses turned hostile.

(b) The police investigated the case in a casual manner.

2. Murder of a Scheduled Caste person at Minnal Village under Arakanam Rural PS in North Arcot District on 29-5-82.

Conclusions

- (a) The accused were able to win over the witnesses of the case.
- (b) The investigation carried out by the police had a number of loop-holes.

STATEMENT OF MINIMUM WAGES IN AGRICULTURE (FOR UNSKILLED WORKERS) AS FIXED BY THE CENTRAL GOVERNMENT AND REPORTED BY THE STATE GOVERNMENTS/ADMINISTRATIONS

| Name of the States | Date from which effective | Rates of wages | Remarks |
|--------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 | 4 |
| Central Government . . . | 12-2-85 | Rs. 8.50 to 12.75 according to areas. | |
| Andhra Pradesh . . . | 7-9-83 | Rs. 7.00 to 18.00 per day according to areas and nature of work. | The State Government has issued preliminary notification on 19-9-85, for revision. |
| Assam . . . | 22-2-85 | Rs. 12.50 per day. | |
| Bihar . . . | 12-4-82 | 5 Kg. paddy or any other kinds of grain of the same value besides one time nashta or Rs. 8.50 in cash. | Draft notification proposing revision issued on 13-4-85. |
| Gujarat . . . | 2-10-82 | Rs. 9.00 per day or Rs. 3,200 per year. | Steps to revise the minimum wages are being taken. |
| Haryana . . . | 1-5-82 | The rates as revised on 1-5-82 were Rs. 10+ meals or Rs. 14.00 without meals. As, however, the minimum wages are linked with C.P.I., the minimum rates of wages as on 1-7-85 were Rs. 12.71 with meals or Rs. 16.71 without meals. | |
| Himachal Pradesh . . . | 25-1-86 | Rs. 12.00 per day. | Workers are entitled to 12½% to 25% higher wages in certain areas. |
| Jammu & Kashmir . . . | 7-7-84 | Rs. 10.50 per day. | |
| Karnataka . . . | 30-1-85 | Rs. 9.50 to Rs. 14.00 per day according to class of work and type of land. | |
| Kerala . . . | 24-5-84 | Rs. 12.00 per day for light work and Rs. 15.00 per day for hard work. | |
| Madhya Pradesh . . . | 1-1-82 | Rs. 7.00 plus Special Allowance per day linked to C.P.I. compiled half-yearly. The wages have been increased w.e.f. 1-7-85 at the rate of Rs. 9.19 per day. | The rate of Special Allowance is 45 paise per month per point for every point rise (1960=100). Revision is under consideration. |
| Maharashtra . . . | 1-2-83 | Rs. 6.00 to Rs. 10.00 per day according to areas. | |
| Manipur . . . | 9-3-83 | Rs. 10.0 to Rs. 10.50 per day according to areas. | |
| Meghalaya . . . | 1-10-83 | Rs. 11.00 per day. | |
| Nagaland . . . | 1-2-84 | Rs. 10.00 per day. | |
| Orissa . . . | 5-11-84 | Rs. 7.50 per day. | |
| Punjab . . . | 1-1-82 | Rs. 11.00 per day with meals or Rs. 14.00 per day without meals as on 1-1-1982. As, however, wages have been linked with C.P.I. Nos. with effect from 1-7-85 the rates are Rs. 13.68 per day with meals or Rs. 16.68 per day without meals. | |
| Rajasthan . . . | 16-1-85 | Rs. 11.00 per day. | |
| Sikkim . . . | | Minimum Wages, Act, 1948 has not yet been extended to the State. However, the State Government has fixed by executive orders minimum wages for an unskilled workers at Rs. 11.00 per day w.e.f. 1-4-1985. | |
| Tamil Nadu . . . | 5-4-83 | Rs. 8.00 per day for employees engaged in showing plucking of seedlings or weeding and Rs. 10.00 to Rs. 11.00 per day for other operations. | |
| Tripura . . . | 12-3-84 | Rs. 10.00 per day. | |
| Uttar Pradesh . . . | 13-7-83 | Rs. 8.00 to Rs. 9.50 per day according to areas. | |

| 1 | 2 | 3 | 4 |
|---------------------------|----------|----------------------------------------------------------------------------------------------------------------|-------------------------|
| West Bengal . . . | 13-8-82 | Rs. 10.15 per day (Adult). Rs. 7.29 per day (Child). | |
| Andaman & Nicobar Islands | 19-8-84 | Rs. 10.60 per day. | |
| Arunachal Pradesh . . . | 1-1-84 | Rs. 11.00 to Rs. 12.00 per day according to areas (by an executive order). | |
| Chandigarh . . . | 12-4-82 | Rs. 14.00 per day without meals or Rs. 11.00 per day with meals. | |
| Dadra & Nagar Haveli . . | 3-9-83 | Rs. 9.00 per day. | |
| Delhi Administration . . | 15-10-85 | Rs. 15.90 per day. | |
| Goa Daman & Diu . . | 2-10-83 | Rs. 6.75 per day. | |
| Mizoram . . . | | There are only a few agricultural labourers in the UT. However, prevailing rate is Rs. 10.00 per day or so. | |
| Pondicherry | | | |
| (i) Maha region . . . | 4-8-83 | Rs. 7.45 to Rs. 9.20 per day according to nature of work. | |
| (ii) Yanam region . . | 5-4-84 | (a) For all kinds of agricultural operations except harvesting. | |
| | | Adult | Non-adult |
| | | Rs. 10.00 per day | Rs. 6.30 per day |
| | | (b) Harvesting. | |
| (iii) Pôndicherry . . . | 28-11-83 | 9 kg or paddy per day | 4½ kg. of paddy per day |
| | | Adult | Non-adult |
| | | Rs. 7.00 per day | Rs. 4.20 per day |
| (iv) Karaikal . . . | 5-8-82 | 7 litres of paddy—Rs. 2.80 per day or Rs. 9.00 per day. | |
| Lakshadweep . . . | | There are no agricultural workers in the Union Territory. | |

NUMBER OF INSPECTIONS CARRIED OUT, IRREGULARITIES DETECTED, PROSECUTIONS LAUNCHED AND NUMBER FINED UNDER THE MINIMUM WAGES ACT

| Sl. No. | State/UT | No. of Inspections carried out | No. of Irregularities detected | No. of prosecution launched | Number fined |
|-------------------------------------------|----------|-----------------------------------|-----------------------------------|--------------------------------|--------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| <i>For the quarter ending March, 1986</i> | | | | | |
| 1. Maharashtra | . | 58,404 | 68,332 | 500 | 95 |
| 2. Himachal Pradesh | . | 75 | Nil | Nil | Nil |
| 3. Manipur | . | Nil | Nil | Nil | Nil |
| 4. Arunachal Pradesh | . | 2 | Nil | Nil | Nil |
| 5. Dadra & Nagar Haveli | . | 10 | 1 | Nil | Nil |
| 6. Delhi | . | 518 | 336 | 24 | Nil |
| 7. Goa, Daman & Diu | . | 75 | 42 | Nil | Nil |
| 8. Pondicherry | . | Nil | Nil | Nil | Nil |
| 9. Orissa (During 1985-86) | . | NA | 15,132 | 28 | Nil |
| 10. Rajasthan | . | 19,417 | 1,138 | 1,138 | 1,180 |
| (From January to December, 1985) | | | | | |

NOTE :—Information from remaining States/UTs has not been made available.

STATEMENT SHOWING THE NUMBER OF BONDED LABOURERS IDENTIFIED, RELEASED AND REHABILITATED AS ON 31-3-1986 AS PER THE REPORTS RECEIVED FROM THE STATE GOVERNMENT

| Sl. No. | Name of the State | Number of Bonded Labourers | | |
|---------|-------------------|----------------------------|---------------|------------|
| | | Identified and Freed | Rehabilitated | Percentage |
| 1 | 2 | 3 | 4 | 5 |
| 1. | Andhra Pradesh | 24,788 | 18,418 | 74.30 |
| 2. | Bihar | 11,002 | 9,569 | 86.96 |
| 3. | Gujarat | 62 | 57 | 91.94 |
| 4. | Haryana | 295 | 295 | 100 |
| 5. | Karnataka | 62,689 | 40,033 | 63.86 |
| 6. | Kerala | 823 | 823 | 100 |
| 7. | Maharashtra | 780 | 626 | 80.26 |
| 8. | Madhya Pradesh | 4,761 | 3,630 | 76.24 |
| 9. | Orissa | 42,421 | 30,256 | 71.32 |
| 10. | Rajasthan | 6,836 | 6,382 | 93.36 |
| 11. | Tamil Nadu | 33,132 | 32,517 | 98.14 |
| 12. | Uttar Pradesh | 18,334 | 17,662 | 96.33 |
| Total | | 2,05,923 | 1,60,268 | 77.83 |
| Balance | | .. | 45,655 | 22.17 |

ANNEXURE XVI

**STATEMENT SHOWING STATE-WISE TARGETS AND ACHIEVEMENTS FOR REHABILITATION OF BONDED LABOURERS
IN THE FOUR QUARTERS OF THE YEAR (1985-86)**

| States/UTs | Target (Numbers) | | | | | | Achievement & Percentage | | | | |
|-----------------------|------------------|-------|--------|---------|--------|---------------|--------------------------|--------------|---------------|---------------------------|--|
| | 1985-86 | I.Qr. | II Qr. | III Qr. | IV Qr. | I Qr. | II Qr. | III Qr. | IV Qr. | Cum. (April- March) | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | |
| Andhra Pradesh | 2000 | 180 | 360 | 600 | 860 | 731 (406) | 1326 (368) | 947 (158) | 953 (111) | 3957 (198) | |
| Bihar | 501 | 45 | 90 | 150 | 216 | 169 (376) | 81 (90) | 6 (4) | 271 (125) | 535 (107) | |
| Gujarat | 17 | 2 | 4 | 7 | 7 | Nil (—) | Nil (—) | 10 (143) | 9 (129) | 19 (112) | |
| Haryana | 295 | 27 | 53 | 88 | 127 | Nil (—) | Nil (—) | 196 (223) | 99 (78) | 295 (100) | |
| Karnataka | 9250 | 832 | 1665 | 2775 | 3978 | 213 (26) | 1021 (61) | 205 (7) | 2570 (65) | 4009 (49) | |
| Madhya Pradesh | 2000 | 180 | 360 | 600 | 860 | Nil (—) | Nil (—) | 61 (10) | 718 (83) | 779 (39) | |
| Maharashtra | 250 | 23 | 45 | 75 | 107 | Nil (—) | 36 (80) | 59 (79) | 212 (198) | 307 (123) | |
| Orissa | 7500 | 675 | 1350 | 2250 | 3225 | 1284 (190) | 1248 (97) | 568 (25) | 2285 (71) | 5385 (72) | |
| Rajasthan | 1032 | 232 | 464 | 774 | 443 | 154 (66) | 107 (23) | 377 (49) | 441 (100) | 1079 (105) | |
| Tamil Nadu | 1100 | 197 | 395 | 658 | 473 | Nil (—) | 110 (28) | 526 (80) | 473 (100) | 1109 (101) | |
| Uttar Pradesh | 4000 | 360 | 720 | 1200 | 1720 | Nil (—) | 32 (4) | 1052 (88) | 3115 (181) | 4199 (105) | |
| Total | 27945 | 2753 | 5506 | 9177 | 12010 | 2551 (93) | 3961 (72) | 3811 | 10916 (91) | 21673 (78) | |

CHAPTER V

SOCIO-ECONOMIC DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

(A) SCHEDULED CASTES

The Scheduled Caste population numbering 10.48 crores constitutes 15.75 per cent of the total population of the country. Nearly 48.22 per cent of these, working as agricultural labourers, are below the poverty line. The strategy for the development of Scheduled Caste adopted during the VIth Five Year Plan is being continued during the VIIth Five Year Plan also. The strategy combines three main instruments of developments, viz;

- (i) The Special Component Plans of the States and Central Ministries, (SCP),
- (ii) The Special Central Assistance (SCA); and
- (iii) The Scheduled Caste Development Corporations in the States (SCDC).

Special Component Plan of the States

5.2 The SCP strategy envisages earmarking of funds out of the departmental outlays for the development of SCs in proportion to the Scheduled Caste population of the State. This is to ensure that the benefits of the schemes of each department reach the SC population in a fair measure both in physical and financial terms. During the VIIth Plan the emphasis is on (1) economic development through beneficiary-oriented programmes, (2) infrastructural development in SC 'bastis', (3) abolition of scavenging, (4) educational development of SCs, and (5) administrative and personnel reforms. At present there is no separate or exclusive machinery for the implementation of the SCP in the States. The normal department personnel are responsible for implementing the SCP schemes and overseeing them at different levels. However, the Scheduled Caste Development Corporations set up in 21 States/UTs, have their own machinery for the formulation, implementation and monitoring of their schemes.

5.3 The SCP outlays (for 1985-86) of the 20 States and four UTs implementing the Special Component Plan are given in Annexure I. It will be seen from this statement that as against 15.75 per cent of SC population in the country, the quantified allocation for the SCP was only 7.78 per cent of the total State Plan outlay of Rs. 12992.76 crores for the year 1985-86. The fact that the SCP outlay was only half of what it should have been in terms of percentage indi-

cates that many of the States either do not have appropriate schemes for the SCs or do not consider it feasible to cover larger number of SC beneficiaries under the existing schemes. Many States try to justify this by stating that the outlays apportioned by them for the SCP are real and not notional. States also contend that the quantification of outlays under the SCP can be done only from the divisible sectors and, therefore, such sectors as power and major and medium irrigation etc. go untapped. As in the past, the Commission is firmly of the view that the outlays under SCPs should be in proportion to the percentage of SC population in the States. The Commission would accordingly urge that no efforts should be spared to scrutinize the so called 'non-divisible' sectors which can yield to some quantification of funds in order to benefit the SCs under specially designed programmes.

5.4 Out of a total outlay of Rs. 1010.20 crores the anticipated expenditure during the period is Rs. 942.47 crores i.e. 93.29 per cent (Annexure I). The Commission is happy to note that almost the entire amount earmarked for the development of SCs is likely to be utilised in all the States except for Assam, Madhya Pradesh and Sikkim where the anticipated expenditure is only 36.97 per cent, 41.31 per cent and 23.08 per cent respectively.

5.5 Several Central Ministries like the Ministries of Rural Development, Agriculture, Education and Labour have also formulated their Special Component Plans for ensuring accrual of benefits to SCs under their schemes. They have accordingly apportioned funds from their annual plan schemes for the welfare of Scheduled Castes. In addition to this, there are a large number of State-sector schemes under various departments which are being implemented as part of their Annual Plans. These schemes are being implemented by the State Governments under overall supervision of the concerned ministry. According to the reports received from the field offices of the Commission several of these schemes have made a positive impact on the socio-economic life of the Scheduled Castes. In Rajasthan, schemes like the allotment of land, assistance to assignees of surplus land, energisation of irrigation pumps, dairy development, establishment of poultry and piggery units etc. were found to be economically viable and have contributed significantly towards alleviating the poverty of the

SCs It has, however, been observed that under the IRD Programme the major thrust was on the animal husbandry programmes which have failed to ensure sufficient income over longer periods to the Scheduled Castes beneficiaries. Under TRYSEM, most of the trained beneficiaries could not get self employment on a regular basis.

5.6 In Uttar Pradesh, some of the shopping Complexes constructed with the funds made available from Special Component Plan, are reported to be very good but a large number of shops have been constructed at unsuitable sites and in far off places. Further, the beneficiaries were often forced by the banks to purchase merchandise from pre-determined shops and this had an adverse effect on their viability. An enquiry conducted by the field office at Lucknow of one such shopping complex located at Shanker Garh Block in Allahabad District revealed that most of the allottees were not provided bank loans to start their business, and that electricity and drinking water facilities were also not made available.

5.7 In Tamil Nadu, the schemes of sericulture and horticulture have contributed towards improving the economic status of the Scheduled Castes but the animal husbandry schemes especially the distribution of goats and sheep have not had the desired impact.

5.8 One of the major planks of the strategy of SCP during the VIth Plan was that 50 per cent of the total SC families should be economically assisted in such a way that they are able to rise above the poverty line. This was also made part of the 20 point Programme and a target of 8.65 million SC families was fixed. It has been estimated that by the end of 1984-85, about 8.71 million SC families received economic assistance. For the year 1985-86 the target fixed was 2.27 million SC families. Later on, the States of Gujarat, Maharashtra, Orissa, Punjab and Tripura pressed for reduction of their targets, and the original target for the country was reduced to 2.14 million SC families. The cumulative achievement was of the level of 2.01 million SC families assisted, and the percentage of achievement came to 93.87

Special Central Assistance

5.9 Introduced for the first time in the year 1979-80 with total allocation of Rs. 5 crores, the scheme of Special Central Assistance (SCA) is also to continue during the Seventh Five Year Plan. SCA was conceived as an additive to the Special Component Plans of the States and is not linked with any specific scheme. It enables the States/UTs implementing the SCP to utilise the amount released to them as 100 per cent grant with complete flexibility in regard to its utilisation depending upon the local situation. The only condition laid down by the Government of India

is that it should be utilised only for income generating and economic development schemes so as to enable the Scheduled Caste families to cross the poverty line. The States were requested to ensure adherence to the following two principles: (a) utilisation of SCA in conjunction with other resources available for income generating economic development programmes, and (b) optimal and cost-effective utilisation of SCA in order to cover the maximum possible number of SC families in various occupational categories.

5.10 During the Sixth Five Year Plan, the Special Central Assistance was expected to play an important role in the implementation of the income generating programmes in alleviating the poverty of the Scheduled Castes. However, its full potential could not be realised owing to the lack of detailed planning in regard to its proper utilisation. Fifty per cent of SCA is distributed to the States/UTs on the basis of Scheduled Caste population and relative backwardness and the remaining 50 per cent on effort-based criteria. During the Sixth Plan, Rs. 605 crores were released to the State Governments and UTs as SCA. The outlay provided for the Seventh Five Year Plan (1985-90) is Rs. 930 crores out of which an amount of Rs. 165 crores was earmarked for the year 1985-86.

5.11 It has been found that a number of States utilised the SCA for raising the subsidy element of different schemes to 50 per cent especially under the IRDP. In some States, SCA has been utilised to supplement on-going schemes of various departments such as schemes of animal husbandry, agriculture, horticulture, fisheries & leather. In some other States, however, the SCA funds have been used to take up economic development programmes in clusters and for identified occupational groups. It has been noticed that such programmes have been able to bring about a change in the living conditions of the Scheduled Caste families. The programmes undertaken in clusters in Tamil Nadu and the irrigation programmes taken up in Andhra Pradesh in this respect have been fairly successful. In some other States, SCA has been utilised to link up different schemes to put up a composite and integrated programme for the Scheduled Castes. However, considering the performance of all the States, the Commission is of the view that the State Governments and UT Administrations have not yet been able to give adequate attention to planning out the best possible way of utilising the Special Central Assistance for ensuring benefit to the maximum number of SC people in a cost-effective manner. The Commission would, therefore, recommend that the Government of India may not only stress before the State Governments and UT Administrations the need for a proper and meaningful utilisation of SCA funds but also have more effective control

and supervision in regard to the release and utilisation of these funds. It is essential that the Government examines in detail the areas in which SCA funds are proposed to be utilised by the State Governments/UT Administrations.

Scheduled Castes Development Corporations

5.12 The Scheduled Castes Development Corporations (SCDCs) are an important instrument for the economic development of the Scheduled Castes with focus on family as well as individual-oriented schemes. The corporations provide margin money loan assistance to the SC families, thereby helping to increase the flow of funds from financial institutions. While these corporations serve as catalysts and have a wide range of promotional activities covering all aspects of the economy of Scheduled Castes, they are not expected to directly undertake the distribution of loans or subsidy or run any industrial or commercial undertaking. As on March 1986, there were 21 SCDCs in the States and Union Territories having sizeable Scheduled Caste population. The Government of India provides assistance to the States for share capital investment in the SCDCs in the ratio of 49:51. This has helped these corporations in expanding their activities. In addition to this, Central assistance is also given to the State Governments on a matching basis for managerial subsidy and promotional activities respectively. The following table shows the amounts released by the Government of India and the contributions made by the State Governments themselves towards the share capital of the SCDCs:

| Year | (Rs. in lakhs) | |
|---------|-----------------------------------|-------------------------------------|
| | Contribution by State Governments | Contribution by Government of India |
| 1 | 2 | 3 |
| 1978-79 | 710.55 | 50.00 |
| 1979-80 | 703.10 | 1224.00 |
| 1980-81 | 1403.00 | 1300.97 |
| 1981-82 | 1367.66 | 1332.37 |
| 1982-83 | 1364.40 | 1350.00 |
| 1983-84 | 1866.02 | 1400.00 |
| 1984-85 | 1454.21 | 1500.00 |

5.13 Against a target of 50 lakh Scheduled Caste families, these corporations covered more than 25 lakh SC families during the Sixth Five Year Plan. An outlay of Rs. 15 crores was provided by the Government of India for the year 1985-86.)

5.14 In spite of the efforts that SCDCs have been making, they have achieved relatively limited success primarily because they have not been able to mobilise institutional finance from the banks to the desired extent. They face problems relating to identification and motivation of the beneficiaries and thus fail to provide the banks with necessary details and appraisal of the

schemes. There are also problems relating to supervision, recovery of loans and monitoring of the schemes. Many of these problems were discussed in the Second Conference of the Managing Directors of the State Scheduled Castes Development Corporations which was held in New Delhi on 26th & 27th April, 1985. The Conference made certain important recommendations covering all aspects of the functioning of SCDCs. The consensus was that SCDCs should not limit their programmes in the rural areas to the IRDP clusters but should take up programmes outside IRDP clusters and in the SC concentrated pockets. It was also felt that the Collectors/Deputy Commissioners should be fully involved in the programmes of SCDCs in all the States. Moreover, undue concern for targets should not dilute the quality of the programmes of SCDCs. The Conference also felt that SCDCs should be given the necessary organisational strength by providing them senior full-time officers as executive heads with sufficiently long tenure. They should have adequate staff particularly at the district level under full-time officers of the rank of Deputy Collectors.

These corporations should be able to establish effective and workable relationships with the local banks so as to facilitate proper implementation of their policy of loans to the weaker sections. They should make efforts to cover as many pockets with concentration of SC population as possible, so that the beneficiaries could be effectively contacted and the monitoring becomes relatively easy. The beneficiaries should also be given tangible assets which would generate sufficient income for the sustenance of the family and SCDCs should not consider their job completed merely by making available small amounts of money with the purpose of increasing the number of beneficiaries. The objective should be to raise each SC family above the poverty line permanently by adequate assistance through margin money as well as bank loans.

5.15 The economic assistance programmes undertaken by the Scheduled Castes Development Corporations set up in the States and UTs make available margin money and bank loans to the SC beneficiaries to enable them to implement viable self-employment schemes. Although considerable assistance has been extended under this programme the impact of this effort on the SC families assisted has not been properly evaluated or studied so far in a comprehensive manner. Most schemes have a gestation period before assured generation of income. The Commission recommends that while it may be too early to assess the impact of poverty alleviation programmes undertaken during the year 1985-86, the Government of India may specially direct the States to assess the impact of these programmes implemented by SCDCs during the Sixth Five Year Plan.

(B) SCHEDULED TRIBES

5.16 Prior to the Fifth Five Year Plan development of the tribals was part of the total development effort made for the general sectors of the economy. This resulted in lower investments for the development of tribals. The Tribal Sub-Plan which was stated during the Fifth Plan, aimed at area development of the tribal concentrated pockets. The strategy made it obligatory on various sectoral departments of the Government to earmark funds for the tribal areas identified in States on the basis of percentage of scheduled tribe population as administrative units. During the Sixth Five Year Plan, the emphasis shifted from the development of infrastructure to the development of individuals living in the tribal areas. The strategy during the Seventh Five Year Plan aims at:

- (i) raising productivity in the field of agriculture and allied activities, cottage, village and small industries;
- (ii) providing education, both formal and non-formal with a bias for vocationalisation;
- (iii) eliminating exploitation in the fields of land transfer, agricultural tenancy, money lending, bonded labour, debt bondage, forestry, liquor vending;
- (iv) providing infrastructure for production, anti-poverty and other anti-exploitative programmes;
- (v) giving special attention to the primitive tribes, shifting cultivators, tribals displaced by projects, tribal women etc.; and
- (vi) improving the quality of tribal environment and upgradation of their resources.

5.17 During the Seventh Five Year Plan the Government has decided to go in for rapid development of tribals by adoption of a cluster approach in respect of the vulnerable tribal groups living within the areas of industrial influence and urban areas. This approach will no doubt lead to the coverage of tribal families in the adjoining areas which are being urbanised due to location of central/state projects as well as those living in other urban areas.

Investment trends in tribal areas

5.18 The table below indicates the percentage investment on tribal development to total investment

since the First Five Year Plan to the Sixth Plan (actual) and Seventh Plan (anticipated):

| Plan | Total Plan Outlay | Tribal Development Programme | (Rs. in crores) | |
|--------------|-------------------|------------------------------|-----------------|---|
| | | | 1 | 2 |
| First Plan | 1,960 | 19.33 | 1.0 | |
| Second Plan | 4,672 | 42.92 | 0.9 | |
| Third Plan | 8,577 | 50.53 | 0.6 | |
| 1966-69 | 6,756 | 32.32 | 0.5 | |
| Fourth Plan | 15,902 | 75.00 | 0.5 | |
| Fifth Plan | 39,322 | 1,067.27 | 2.71 | |
| Sixth Plan | 97,500 | 5,535.50 | 5.47 | |
| Seventh Plan | 1,80,000 | 13,000.00 | 7.22 | |

5.19 From the First to Fourth Plans the investment in the tribal areas was meagre made up primarily of allotments for special programmes. The percentage of investment in the total First Plan outlay was 1.0 which declined to 0.9 in the Second Plan, 0.6 in the Third Plan and further to 0.5 both for the Annual Plan 1966-69 and Fourth Plan 1969-74. The launching of the Tribal Sub-Plan in the Fifth Plan period led to a marked upswing in the financial investment which rose to 2.71 and 5.47 per cent of the Fifth and Sixth Plan outlays respectively. The percentage of proposed outlay during the Seventh Plan (7.22) almost corresponds to the percentage of the tribal population of 7.76 (1981 Census) of the country, which is very heartening.

Per capita investment on general population and scheduled tribes during the various five year plan periods

5.20 The following table gives the per capita investment on general and scheduled tribe population during various five year plan periods starting from First to Sixth Plan:

| Sl. No. | Plan Period | | General | Scheduled |
|----------------|-------------|----|---------------------|-----------|
| | | | (Rupees per capita) | Tribe |
| 1 | 2 | 3 | 4 | |
| 1. First Plan | .. | .. | 38 | 10.43 |
| 2. Second Plan | .. | .. | 51 | 22.47 |
| 3. Third Plan | .. | .. | 94 | 16.96 |
| 4. 1966-69 | .. | .. | 68 | 10.84 |
| 5. Fourth Plan | .. | .. | 145 | 21.01 |
| 6. Fifth Plan | .. | .. | 345 | 278.71 |
| 7. Sixth Plan | .. | .. | 891 | 1045.12 |

5.21 An analysis of the table shows the following trends; (i) while per capita investment on general population continued to rise from one plan to the other, that on scheduled tribes actually recorded a

downward trend from Rs. 22.47 during Second Plan to Rs. 16.96 during the Third Plan; (ii) the per capita investment picked up more rapidly among scheduled tribes during Fifth Plan going to Rs. 278.71 and to Rs. 1045.12 during Sixth Plan. This is obviously due to the launching of Tribal Sub-Plan strategy with the commencement of the Fifth Plan.

5.22 The per capita investment in respect of Scheduled Tribes is not a very clear indicator of the fact that the money invested has actually benefitted the tribals. There is strong indication that due to poor infrastructure, comparatively heavy investment on development of administrative structure, leakages and other related factors, the real benefit of the investments made in the tribal areas has not been of the desired level. The Commission would recommend that keeping in view the poor economic status of the tribals, the per capita investment for them should be of a much higher order than that of the general population.

Financial Outlays

5.23 During the Seventh Plan the Tribal Sub-Plan continues to be financed from four sources, viz., (1) State Plan Resources, (2) Special Central Assistance provided by Ministry of Welfare, (3) Central Sector and Centrally Sponsored Schemes, and (4) Institutional Finance.

5.24 The investment from these sources is envisaged as under:

(Rs. in crores)

| Sl. No. | Source | Seventh Plan Outlay |
|---------|----------------------------|---------------------|
| 1. | State Plan | 7500.00 |
| 2. | Special Central Assistance | 1500.00 |
| 3. | Central Ministries | 1750.00 |
| 4. | Institutional Finance | 2250.00 |
| | Total | 13000.00 |

State Plan Funds

5.25 The flow of State Plan funds to TSP during 1985-86 is shown in Annexure II. It shows that the overall flow to Tribal Sub-Plan from total quantum of plan outlays of 17 States and 2 UTs is 9.14%. The States which have quantified funds in excess of the percentage of ST population are Bihar, Himachal Pradesh, Kerala, Manipur, Orissa, Rajasthan and Tripura. The quantification in respect of States of Andhra Pradesh, Assam, Gujarat and Uttar Pradesh is more than 75% of the corresponding percentage of ST population of these States. States of Karnataka, Madhya Pradesh, Maharashtra, Sikkim, Tamil Nadu

and Goa, Daman & Diu have quantified much less than the 75% of the percentage of Scheduled Tribe population of these States/UT. The Commission would recommend that the States which have not quantified funds in accordance with the percentage of ST population should do so in the remaining years of the Seventh Five Year Plan.

Special Central Assistance

5.26 Annexure III shows the amount of SCA released, Statewise and schemewise for TSP during the year 1985-86. An analysis of the Annexure shows that 85.29%, 3.19%, 10.71% and 0.8% of the total outlay of Rs. 14,000 lakhs for the year 1985-86 has been released by the Ministry of Welfare towards (i) ITDPs, (ii) Primitive Tribes (PTs), (iii) Modified Area Development Approach (MADA), and (iv) Margin Money assistance respectively. The States of Madhya Pradesh, Bihar, Orissa and Gujarat together account for 64.18% of the outlays on ITDPs, 51.68% of the outlay on PTs and 66.2% outlays on MADA. The balance amount is shared by remaining 13 States and 2 UTs.

Central Sector and Centrally Sponsored Schemes

5.27 During the Sixth Plan period about 15 Ministries/Departments quantified funds for the Tribal Sub-Plan. The position does not appear to have improved for the Seventh Plan because for the year 1985-86 only 7 Ministries/Departments (Annexure IV) have so far indicated quantification of funds for tribal development. The Commission would like to stress the need for adequate and specific provision of funds for schemes aimed at the development of tribals by all Central Ministries/Departments.

Physical Achievements

5.28 Annexure V gives the details of ST families proposed to be assisted and actually assisted during 1985-86 and the percentage of achievement Statewise/UTwise. It shows that the achievement was more than 100% in respect of Andhra Pradesh, Himachal Pradesh, Karnataka, Orissa, Maharashtra, Manipur, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and UTs of A & N Islands and Goa, Daman & Diu. The position in respect of States of Assam, Bihar, Gujarat, Madhya Pradesh and West Bengal being more than 80% can be considered satisfactory. The performance of the State of Kerala, however, has been poor in this respect being only 76.29%. It is felt that the impact of these programmes would have been better if the local representatives of the tribals had been involved in the various stages of implementation. There is provision in the Gram Panchayat Acts of almost all the TSP States for

reservation/co-option of scheduled tribe members in the Gram Panchayats, Panchayat Samitis, Zila Parishads, etc. Annexure VI shows the State/UTwise position regarding reservation in election for Scheduled Castes and Scheduled Tribes to all village and block level posts like Gram Pradhan, Gram Pramukh, etc. It has been observed that elections to the Gram Panchayats are not held regularly as a result of which effective participation of the local representatives in the development process remains routine and vested interests prevail. The Commission, therefore, suggests that the election to 'gram panchayats' in the various TSP States should be institutionalised on the lines of election to Parliament and State Legislative Assemblies. No scheme should be cleared without the concurrence of the representatives in the gram panchayats. It should also be ensured that the implementation of this arrangement does not erode traditional tribal institutional structure.

Education

5.29 Education of the Scheduled Castes and Scheduled Tribes is of utmost importance in order to bring them up to a reasonable level of social and economic development. The literacy rates of Scheduled Tribes and Scheduled Castes are very low being 16.35% and 21.38% respectively as compared to the literacy rate of the general population excluding SCs/STs which is 41.30% as per the 1981 Census.

5.30 The 'Presentation Paper on National Policy of Education, 1986' brought out by the Ministry of Human Resources Development has stressed the need for increasing enrolment and arresting the high rates of drop-outs in education among SCs and STs in order to ensure equalisation of their education with the non-SC and non-ST people. The measures suggested in the document are indicated below :

Education of Scheduled Castes

- (i) Incentives to indigent families to send their children to school regularly till they complete 14 years;
- (ii) Pre-matric scholarships for children of families engaged in occupations like scavenging, flaying and tanning, will be extended to all children from Class I onwards, instead of limiting it as at present to students of classes VI to X; the income ceiling shall be abolished and the benefits of the scheme extended to day scholars;
- (iii) Special steps to provide non-formal education to SC children who drop out of school in large numbers;
- (iv) Constant micro-planning and verification to ensure that the enrolment, retention and

successful completion of the courses by the SC students are not allowed to fall at any stage.

- (v) Recruitment of teachers from scheduled castes to receive particular attention;
- (vi) Facilities for scheduled caste students to be provided in the student's hostels at District Headquarters according to a phased programme;
- (vii) School buildings, Balyadis and Adult Education Centres to be so located as to facilitate full participation of scheduled castes;
- (viii) NREP and RLEGP resources to be utilised so as to make substantial educational facilities available to scheduled castes;
- (ix) Constant innovation to be pursued to find new methods to increase the participation of scheduled castes in education.

Education of Scheduled Tribes

- (i) Priority will be accorded to opening of primary schools in tribal areas, particularly those with extreme educational backwardness. Construction of school building will be undertaken in these areas under the normal funds for education, as well as under NREP, RLEGP, Tribal Welfare Schemes etc.;
- (ii) The socio-cultural milieu of the Scheduled Tribes has its distinctive characteristics including, in many cases, their own spoken languages. This underlines the need for taking effective steps to develop the materials etc. for devising of curricula and use of the tribal language at the initial stages with arrangements for training over to the regional language;
- (iii) Educated and promising young people from the scheduled tribes will be encouraged and trained to take up teaching in the tribal areas;
- (iv) Residential schools, including Ashram Schools, which have proved useful for the children of remote villages, will be set up on a large scale;
- (v) Incentive schemes for the Scheduled Tribes will be formulated, keeping in view their special needs and life styles, in addition to those available to the deserving students among other sections of the population. In the scholarships for higher education there will be slant in favour of technical, professional and para-professional courses;

- (vi) Anganwadis, non-formal education centres and Adult Education Centres will be opened on priority basis in areas predominantly inhabited by the Scheduled Tribes;
- (vii) The curriculum for all students at all stages of education should create awareness of the rich cultural identity of the tribal people as also of their enormous creative talent.

5.31 In August, 1986 the Department of Education formulated a 'Programme of Action' on the National Policy on Education-1986 to provide an indication of the nature of action needed in order to implement the directions of the policy. This also contains an independent chapter on the education of scheduled castes/scheduled tribes and other backward sections. Some of the important programmes of action mentioned in the document are as follows :

- (i) The Government has started a number of programmes of early childhood care and education (ECCE), which will be directed to the most under-privileged groups namely:
 - (a) very poor urban slum communities;
 - (b) ecologically deprived areas where children are required to fetch fuel, fodder, water and other household chores;
 - (c) landless agricultural labour;
 - (d) nomadic communities and pastoralists;
 - (e) forest dwellers and tribals in remote areas;
 - (f) residents of remote isolated hamlets;
 - (g) family labour and household chores in rural areas and artisan households;

It has been, inter-alia, mentioned that special attention should be given to SCs and STs in all the above defined categories.

- (ii) It is proposed that by the end of Seventh Plan a modest network of ECCE facility should be established in all Tribal Development blocks and blocks having substantial SC population as well as slums in large cities.
- (iii) The Fourth All India Educational Survey (1978-79) revealed that there are 1,90,000 habitations without schooling facilities. It was, therefore, emphasised that all habitations having 300 population (200 in case of tribal hilly & desert areas) should be provided a primary school during the Seventh

Plan. The need for providing residential schools and hostels on a larger scale for SCs & STs, etc. was also emphasised.

- (iv) Emphasis will now shift from enrolment to retention and completion by all children of atleast five years of education.
- (v) A comprehensive system of incentives and support services will be provided for girls and children of the economically weaker sections of the society.
- (vi) Under the scheme of Navodaya Vidyalayas which are considered to be opened for catering to the categories of high achievers, will be set up in each district during the Seventh Plan. There will be reservation for SCs/ STs as per their actual population in the district subject to a minimum of nationally prescribed figure of 15 and 7½ per cents for SCs & STs respectively. An effort will be made to cover girls to the extent of 1/3rd in these schools. Education will be provided free including boarding and lodging in these schools.
- (vii) As regards the recruitment of teachers catering to the requirements of SCs/STs, it is proposed to launch a crash programme with effect from the academic session of 1986-87 to equip all single-teacher schools with additional teachers from among the SCs/STs. Educational qualifications, specially for women teachers belonging to SCs/STs would be relaxed.
- iii) For providing educational institutions to the tribal villages and SC bastis; funds would be made available from NREP, RI EGP.

5.32 The Commission welcomes such steps but is of the view that the goal of universalisation of elementary education, increasing the literacy rates and reduction of drop-outs in SCs and STs can not be achieved unless there is considerable enhancement in the investment on the Education Sector. The National Policy on Education, 1986 had laid down that the investment on Education would regularly increase to reach a level of expenditure of 6% of the National income as early as possible, but the following table on the percentage allocation of outlays on education during various Five Year Plans shows that after the Fourth Plan the percentage of allocation started

declining and it would be only 3.54 for the Seventh Plan :

| Plan/Year | %age of total Plan Outlay | | | | |
|------------------------|---------------------------|---|---|---|------|
| First Plan (1951-56) | . | . | . | . | 6.96 |
| Second Plan (1956-61) | . | . | . | . | 6.40 |
| Third Plan (1961-66) | . | . | . | . | 7.78 |
| Annual Plan (1966-69) | . | . | . | . | 4.77 |
| Fourth Plan (1969-74) | . | . | . | . | 5.21 |
| Fifth Plan (1974-79) | . | . | . | . | 3.27 |
| Sixth Plan (1980-85) | . | . | . | . | 2.59 |
| Plan Revised (1980-85) | . | . | . | . | 2.58 |
| Seventh Plan (1985-90) | . | . | . | . | 3.54 |

5.33 The Commission, therefore, recommends that for educational development, allocation on education sector should atleast be 6% of the total national outlay so that the programmes of universalisation of education, improvement in retention rate among the SCs/STs, involvement of local agencies and special efforts towards increasing tribal female literacy are implemented with fair measure of success.

STATEMENT SHOWING THE STATE PLAN AND SCP OUTLAYS AND EXPENDITURE DURING 1985-86

(Rs. in crores)

| Sl. No. | State/UT | State Plan outlay | SCP Outlay | %age of SCP to State Plan Outlay | Expenditure (anticipated) | %age Expenditure to SCP Outlay |
|---------|------------------|-------------------|------------|----------------------------------|---------------------------|--------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | Andhra Pradesh | 810.00 | 120.64 | 14.89 | 105.65 | 87.57 |
| 2. | Assam | 410.00 | 10.44 | 2.55 | 3.86 | 36.97 |
| 3. | Bihar | 851.00 | 67.27 | 7.90 | 56.25 | 83.56 |
| 4. | Gujarat | 804.00 | 25.87 | 3.22 | 24.92 | 96.33 |
| 5. | Himachal Pradesh | 177.00 | 30.33 | 17.14 | 26.16 | 86.25 |
| 6. | Jammu & Kashmir | 260.00 | 19.49 | 7.50 | 16.42 | 84.25 |
| 7. | Haryana | 480.00 | 9.56 | 1.99 | 9.56 | 100.00 |
| 8. | Karnataka | 651.00 | 67.93 | 10.43 | 67.17 | 98.88 |
| 9. | Kerala | 355.00 | 29.58 | 8.33 | 28.85 | 96.87 |
| 10. | Madhya Pradesh | 1170.00 | 63.32 | 5.41 | 26.16 | 41.31 |
| 11. | Maharashtra | 1700.00 | 42.87 | 2.52 | 62.32 | 145.37 |
| 12. | Manipur | 70.00 | 1.42 | 2.03 | 1.42 | 100.00 |
| 13. | Orissa | 450.00 | 36.51 | 8.11 | 36.01 | 98.63 |
| 14. | Punjab | 500.00 | 21.87 | 4.37 | 17.76 | 81.21 |
| 15. | Rajasthan | 430.00 | 66.47 | 15.46 | 66.35 | 99.82 |
| 16. | Sikkim | 41.00 | 0.39 | 0.95 | 0.09 | 23.08 |
| 17. | Tamil Nadu | 960.00 | 126.16 | 13.14 | 126.16 | 100.00 |
| 18. | Tripura | 86.00 | 7.55 | 8.78 | 6.86 | 90.86 |
| 19. | Uttar Pradesh | 1642.00 | 172.67 | 10.52 | 175.82 | 101.82 |
| 20. | West Bengal | 675.00 | 65.42 | 9.69 | 61.38 | 93.82 |
| 21. | Delhi | 335.00 | 16.43 | 4.90 | 15.83 | 96.35 |
| 22. | Chandigarh | 38.76 | 1.98 | 5.11 | 2.06 | 104.04 |
| 23. | Pondicherry | 33.00 | 52.0 | 15.76 | 4.78 | 91.92 |
| 24. | Goa, Daman & Diu | 64.00 | 0.83 | 1.30 | 0.63 | 75.90 |
| | | 12992.76 | 1010.20 | 7.78 | 942.47 | 93.29 |

STATEMENT SHOWING THE FLOW OF FUNDS FROM STATE PLANS TO TSP DURING 1985-86

(Rs. in lakhs)

| Sl. No. | State/UT | State Plan Outlay | Flow to TSP | %age | %age of ST population |
|-------------|------------------|-------------------|-------------|-------|-----------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | Andhra Pradesh | 81000.00 | 4000.00 | 4.93 | 5.93 |
| 2. | Assam | 41000.00 | 5243.40 | 12.78 | 16.07 |
| 3. | Bihar | 85100.00 | 29458.41 | 34.61 | 8.31 |
| 4. | Gujarat | 80400.00 | 9599.66 | 11.93 | 14.22 |
| 5. | Himachal Pradesh | 17700.00 | 1393.36 | 7.87 | 4.61 |
| 6. | Karnataka | 65100.00 | 577.13 | 0.88 | 4.91 |
| 7. | Kerala | 35500.00 | 854.01 | 2.40 | 1.03 |
| 8. | Madhya Pradesh | 117000.00 | 6267.98 | 5.35 | 22.97 |
| 9. | Maharashtra | 170000.00 | 7897.69 | 4.64 | 9.19 |
| 10. | Manipur | 7000.00 | 2695.85 | 38.51 | 27.30 |
| 11. | Orissa | 45000.00 | 16867.00 | 37.48 | 22.43 |
| 12. | Rajasthan | 43000.00 | 8836.28 | 20.54 | 12.21 |
| 13. | Sikkim | 4100.00 | 172.99 | 4.21 | 23.27 |
| 14. | Tamil Nadu | 96000.00 | 757.93 | 0.78 | 1.07 |
| 15. | Tripura | 8600.00 | 5391.17 | 62.68 | 28.44 |
| 16. | Uttar Pradesh | 164200.00 | 198.87 | 0.12 | 0.21 |
| 17. | West Bengal | 67500.00 | 3388.27 | 5.01 | 5.63 |
| 18. | A&N Islands | 3351.00 | 383.00 | 11.42 | 11.85 |
| 19. | Goa, Daman & Diu | 6000.00 | 18.00 | 0.30 | 0.99 |
| Grand Total | | 1137551.00 | 104001.00 | 9.14 | 7.76 |

ANNEXURE III

STATEMENT SHOWING THE AMOUNT RELEASED STATE-WISE AND SCHEME-WISE OF SCA FOR TSP DURING 1985-86

(Rs. in lakhs)

| Sl. No. | State/UT | I.T.D.P. | Primitive Tribes | Pockets of Tribal Concentration (MADA) | Margin Money assistance | Total |
|-------------|------------------|----------|------------------|----------------------------------------------|----------------------------|----------|
| | | | | 5 | | |
| 1 | 2 | 3 | 4 | 6 | 7 | |
| 1. | Andhra Pradesh | 527.00 | 54.00 | 129.00 | 30.00 | 740.00 |
| 2. | Assam | 632.40 | — | — | — | 632.40 |
| 3. | Bihar | 1700.41 | 56.00 | 208.00 | — | 1964.41 |
| 4. | Gujarat | 1001.66 | 10.00 | 115.00 | — | 1126.66 |
| 5. | Himachal Pradesh | 193.36 | — | 12.00 | — | 205.36 |
| 6. | Karnataka | 123.13 | 5.00 | — | 20.00 | 148.13 |
| 7. | Kerala | 62.01 | 8.00 | — | — | 70.01 |
| 8. | Madhya Pradesh | 3357.98 | 110.00 | 502.00 | — | 3969.98 |
| 9. | Maharashtra | 833.69 | 55.00 | 62.00 | — | 950.69 |
| 10. | Manipur | 247.85 | 5.00 | — | — | 252.85 |
| 11. | Orissa | 1680.00 | 55.00 | 168.00 | 12.00 | 1915.00 |
| 12. | Rajasthan | 602.28 | 8.00 | 300.00 | — | 910.28 |
| 13. | Sikkim | 38.99 | — | — | — | 38.99 |
| 14. | Tamil Nadu | 133.93 | 12.00 | — | — | 145.93 |
| 15. | Tripura | 214.17 | 16.00 | — | 20.00 | 250.17 |
| 16. | Uttar Pradesh | 13.87 | 10.00 | 4.00 | — | 27.87 |
| 17. | West Bengal | 561.27 | 25.00 | — | 30.00 | 616.27 |
| 18. | A&N Islands | 12.00 | 18.00 | — | — | 30.00 |
| 19. | Goa, Daman & Diu | 5.00 | — | — | — | 5.00 |
| Grand Total | | 11941.00 | 447.00 | 1500.00 | 112.00 | 14000.00 |

ANNEXURE IV

LIST OF THE MINISTRIES WHICH HAVE QUANTIFIED FUNDS FOR THE TRIBAL SUB-PLAN DURING 1985-86

(Rs. in lakhs)

| Sl. No. | Name of the Ministry | Total Outlay 7th Plan | Tribal Sub-Plan 7th Plan | Total Outlay for 1985-86 | Tribal Sub-Plan for the year 1985-86 | Percentage in Bracket |
|------------|-------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------|-----------------------------|-----------------------------------------|--------------------------|
| | | 3 | 4 | 5 | 6 | |
| 1 | 2 | | | | | |
| 1. | Ministry of Agriculture | | | | | |
| | (i) Rural Development . . . | 6604.85 | 1135.20 | 1364.89 | 317.96 | (23.99) |
| | (ii) Agriculture & Cooperation . . . | 30412.75 | 11517.34 | 18876.64 | 2935.74 | (15.56) |
| | (iii) Cooperation . . . | 30385.00 | 1085.50 | — | — | |
| 2. | Department of Communication . . . | Not given | N.A. | 83500.00 | 2505.00 | (3.00) |
| 3. | Ministry of Water Resources . . . | Not given | 1000.00 | N.A. | N.A. | |
| 4. | Ministry of Forest, Wild Life & Environment. | 25% of the Total outlay has been earmarked for tribal areas. | N.A. | N.A. | N.A. | |
| | (i) Environment Department . . . | 163.00 | 40.75 | 3800.00 | 1150.00 | (30.26) |
| 5. | Ministry of Food & Civil Supplies (Department of Food) | 28232.00 | 4932.00 | 9200.00 | 640.00 | (6.96) |
| 6. | Ministry of Commerce . . . | 10060.00 | 543.34 | 1434.95 | 127.47 | (3.38) |
| 7. | Ministry of Labour . . . | 2401.47 | 320.25 | 598.48 | 96.35 | (16.10) |
| 8. | Ministry of Human Resource Development (Dept. of Education) . . . | | 5744.00 | — | 1568.38 | (12.00) |
| 9. | Ministry of Health & Family Welfare . . . | 64841.00 | 6090.11 | 15741.55 | 1595.27 | (10.13) |

NUMBER OF FAMILIES ECONOMICALLY ASSISTED TO CROSS THE POVERTY LINE DURING 1985-86

| Sl. No. | State/UT | Annual target for | Achievement during | Percentage achieve- |
|----------------------|----------|-------------------|---------------------------|---------------------|
| | | 1985-86 | April '85 to March '86 | ment |
| 1 | 2 | 3 | 4 | 5 |
| 1. Andhra Pradesh | . | 54000 | 74400 | 137.78 |
| 2. Assam | . | 26300 | 21151 | 80.42 |
| 3. Bihar | . | 125500 | 122753 | 97.81 |
| 4. Gujarat | . | 70000 | 66995 | 95.71 |
| 5. Himachal Pradesh | . | 2631 | 3804 | 144.58 |
| 6. Karnataka | . | 8663 | 12145 | 140.19 |
| 7. Kerala | . | 4500 | 3443 | 76.29 |
| 8. Madhya Pradesh | . | 200000 | 196490 | 98.25 |
| 9. Maharashtra | . | 75000 | 89009 | 118.68 |
| 10. Manipur | . | 3856 | 4539 | 117.71 |
| 11. Orissa | . | 100000 | 113299 | 113.30 |
| 12. Rajasthan | . | 60200 | 61726 | 102.53 |
| 13. Sikkim | . | 1600 | 2800 | 175.03 |
| 14. Tamil Nadu | . | 9309 | 10059 | 108.06 |
| 15. Tripura | . | 8644 | 9730 | 112.56 |
| 16. Uttar Pradesh | . | 3200 | 4496 | 140.50 |
| 17. West Bengal | . | 79809 | 74228 | 93.00 |
| 18. A & N Islands | . | 675 | 1059 | 156.89 |
| 19. Goa, Daman & Diu | . | 650 | 741 | 114.00 |
| Total | . | 834537 | 872867 | 104.59 |

Information regarding reservation in election for Scheduled Castes to all village and block level posts like Gram Pradhan, Gram Pramukh etc. in different States/Union Territories

Assam

The Assam Panchayat Raj Act, 1972 does not provide reservation to SCs/STs for the post of Panchayat Pradhan and Mohkuma Parishad Mukhia. However, the Act provides that wherever five per cent or more people within the jurisdiction of the Mohkuma Parishad and village Panchayat belong to scheduled castes, the constituency having maximum SC population in the Mahkuma or village as the case may be, shall be reserved for electing a scheduled caste member. Similar representation is provided to scheduled tribes of the State.

Bihar

In Bihar there is no reservation for scheduled castes in election to the posts of Gram Pradhan and Block Pramukh. However, the Bihar Panchayat Raj Act, 1947 stipulates that while constituting the Executive Samiti of Village Panchayat, the village Mukhia will take into consideration the claims of SC, ST, women and Backward Classes. In Block Samiti and Zila Parishad three posts are reserved for SC/ST each, provided their population in the Block/Parishad is more than 10% of total population. If their population is less than 10% but exceeds 5%, two posts will be reserved for them.

Haryana

As regards Panchayat Samiti, the Punjab Panchayat Samiti Act, 1961 is applicable to Haryana State. This Act, *inter alia*, provides that out of 25 members in a Panchayat Samiti, at least 4 should belong to scheduled castes. In case no scheduled caste member is able to get him/herself elected to a Panchayat Samiti, four such members are to be co-opted by the Panchayat Samiti to make good the deficiency.

Although there is no reservation for the post of Sarpanch of Gram Panchayat and Chairman/Vice Chairman of the Panchayat Samiti, the SC members of Panchayat Samiti are free to contest the elections to these posts. The State Government feels that it is not possible to provide reservation for these two posts as this will tantamount to 100% reservation which will be against the spirit of the Constitution.

Kerala

In every Panchayat one seat shall be reserved for the scheduled caste and scheduled tribe.

Madhya Pradesh

The Madhya Pradesh Panchayat Adhiniyam (Act), 1981 does not provide for reservation of scheduled castes/scheduled tribes to the post of Sarpanch. However, where more than 50% wards of the gram panchayat area have been reserved for scheduled castes and scheduled tribes as the case may be, a *Sarpanch* shall be elected from amongst the panches belonging to SC/ST as the case may be. If the Sarpanch of the Gram Panchayat does not belong to SC or ST the Up-Sarpanch shall be elected from among the Panches belonging to Scheduled Castes or Tribes.

In case of SC/ST are not able to get themselves elected as members of the Janpada Panchayat, they shall be co-opted by the Janpada Panchayat. Section 23 of the Act says that in order to ensure seats of President of Janpada Panchayats (Panchayat Samiti) for members of SC/ST in proportion to their respective population in the State, the State Government shall, by notification, reserve as many seats of Presidents of Janpada Panchayats in the State which shall bear, as nearly as may be the same proportion to the total number of Janpada Panchayats in the State, as the population of SC/ST in the State bears to the total population of the State. If the President of the Janpada Panchayat does not belong to scheduled castes or scheduled tribes, the Vice President shall be elected from amongst the members belonging to such castes or tribes.

Manipur

In Manipur, seats are reserved for SCs/STs in the Gram Panchayats and the number of seats so reserved bears as nearly as may be possible the same proportion to the total number of seats in the Gram Panchayats as the population of the scheduled tribes in the area of the Gram Sabha bears to the total population of such area.

In the Panchayat Samiti one scheduled caste is co-opted as an additional member if none of such caste is elected as *Pradhan* and by virtue of which becomes a member of the Panchayat Samiti. The co-option is, however, subject to the condition that the number of members belonging to such caste of the Gram Sabha in the Block exceeds one-fourth per cent of the total

number of members thereof. In case of scheduled tribes it is laid-down that one scheduled tribe member is coopted in Panchayat Samiti as additional member if none of such caste is elected as Pradhan and by virtue of which becomes a member of the Panchayat Samiti. This is also subject to the condition that the number of members belonging to scheduled tribes of the Gram Sabha in the block exceeds one per cent of the total number of members thereof.

Nagaland

Information is nil.

Orissa

The Orissa Grama Panchayat Act, 1964 does not provide reservation for scheduled castes and scheduled tribes to the posts of Sarpanch of Gram Panchayats in Orissa. However, sub-section 3(b) of Section 10 of the Act, authorises the Collectors of the respective districts to reserve seats for the posts of members of Gram Panchayats or scheduled castes and scheduled tribes. The number of reserved seats shall, as nearly as may be bear the same proportion to the total number of seats as the population of SC & ST, taken together bears to the total population of the village (Gram). In respect of villages, where no seat has been reserved for SC and ST, the elected members of the Gram Panchayat including the Sarpanch shall elect a member from the SC and ST to function as *additional member* of the Gram Panchayat. He will exercise as the right of a member (Section 10) of the aforesaid Act.

Punjab

The Punjab Gram Panchayat Act, 1952 provides that there shall be one Panch belonging to scheduled caste, if the number of Panches of a Gram Panchayat is less than *seven* and the population of scheduled caste in the Sabha area of that Gram Panchayat is 5% or more but less than 10%. Similarly, there shall be two Panches belonging to SCs if the number of Panches of the Gram Panchayat is seven or more and the population of SCs in Sabha area of such a Gram Panchayat is 10% or more.

In the event of inability of one/two SCs Panches getting elected, as per the above percentage, the Act provides that the one/two SC candidates securing the highest number of valid votes from amongst the SC candidates shall be deemed to have been elected as Panches.

The Panchayat Samitis and Zila Parishads Act, 1961 provides for election of four members belonging to Scheduled Castes and co-option of SC member to the extent they are not able to get elected.

There is no reservation for scheduled castes to the post of Chairman of Panchayat Samiti. However, sub-section 4-A of the Punjab Panchayat Samitis & Zila Parishads Act, 1961 stipulates that if the Chairman of the Panchayat Samiti is not a member of Scheduled Castes, three SC members shall be elected.

Rajasthan

There is no reservation in election for SCs and STs in Panchayats, Panchayat Samities and Zila Parishad levels. However, a provision has been made in the Rajasthan Panchayat Act, 1959 for representation of scheduled castes and scheduled tribes by co-option in Panchayats, and under the Panchayat Samities & Zila Parishads Act, 1959, there is provisions for co-option if SC/ST are not able to get themselves elected to the Panchayat Samities & Zila Parishad, if persons of these categories are not elected.

Sikkim

As per Sikkim Panchayat Act, 1982 the State Government has streamlined 2-tier system of Panchayat Raj in Sikkim. The lower tier is at the Gram Panchayat level and the Upper one is at the Zila (District) level.

The Act does not provide for reservation of seats for SC/ST communities in the posts of Gram Pradhan. However, there is provision for nomination of such persons as members of the Gram Panchayat in the event of their non-representation through normal election.

Tamil Nadu

The sub-section (1) of Section 36AA of the Tamil Nadu Panchayats Act, 1958 provides that 18 per cent of the total number of office of the Chairman of Panchayat union councils in each district will be reserved for the members of scheduled castes and scheduled tribes. For determining the posts, panchayat union councils having higher percentage of SC/ST population in the development divisions of the district to be taken first.

Tripura

According to the provisions of the Tripura Panchayat Act, 1983 seats for members in the Gaon Panchayat are reserved for SCs/STs and the number of seats so reserved shall bear as nearly as may be the same proportion to the total number of seats in the Gaon Panchayats as the population of scheduled castes and scheduled tribes bears to the total population of such area.

The seat of Pradhan of Gaon Panchayat is not reserved.

Arunachal Pradesh

There are no scheduled castes listed as such in the Union Territory.

Mizoram

There is no reservation in election for scheduled castes in the UT of Mizoram as the population of SCs in the UT is merely 135 as per the Census of 1981.

CHAPTER VI

IMPACT OF THE INTEGRATED RURAL DEVELOPMENT AND POVERTY ALLEVIATION PROGRAMMES ON SCHEDULED CASTES AND SCHEDULED TRIBES DURING THE SIXTH FIVE YEAR PLAN

6.1 Poverty of the masses has been one of the major problems facing the country and the main objective of the country's developmental effort for the past four decades has been to alleviate poverty, particularly in the rural areas. According to the latest figures more than 166 million people still continue to live below the poverty line. Since a very large proportion of these is Scheduled Castes and Scheduled Tribes, the effect of the various measures that have been adopted to alleviate poverty has been a matter of great concern to the Commission. In this Chapter therefore it is proposed to analyse the impact of the anti-poverty programmes on Scheduled Castes and Scheduled Tribes during the Sixth Five Year Plan.

6.2 From time to time several special programmes have been formulated with the specific purpose of ensuring economic development of the rural people and eradication of rural poverty. As early as 1952, the Community Development Programme was formulated as a people's programme with the objective of bringing about socio-economic change in the villages. When the expected results failed to materialise a new strategy for agricultural development was adopted in 1969 with the introduction of the Intensive Agricultural Districts Programme (IADP) and the Intensive Agricultural Areas Programme (IAAP). While there were remarkable improvements in the agricultural sector and the country achieved self-sufficiency in the production of foodgrains, the complex problem of poverty amongst the rural masses still continued unabated. It was gradually beginning to be understood that the rural poor could not all subsist on agriculture alone, and that they would have to be provided with gainful employment avenues in non-agricultural spheres in order to raise their income levels above the poverty line. Hence in 1978-79 a new strategy was adopted viz., the Integrated Rural Development Programme (IRDP) which aimed at providing profitable self-employment to the large number of unemployed, under-employed and landless labourers and small and marginal farmers. The main objective of this programme was to create self-employment possibilities by enabling the rural poor to acquire income generating assets through government subsidies and bank loans. The most popular schemes that were promoted under this programme were largely those which involved the purchase of milch-cattle or setting up of irrigation

wells or pumping sets for the small and marginal farmers and village industries and shops or business ventures for the landless. The programme was first tried out in 2300 blocks, and from October 1980 it was extended to all the 5021 blocks of the country. For the Sixth Five Year Plan a target of assisting 15 million families was prescribed on the basis of 600 families per block per annum. Out of these, 400 families were to be covered under the scheme of Agriculture and Allied Activities, 100 through Village and Cottage Industries and the remaining 100 were to be assisted in the Service Sector. The targeted investment for this period was Rs. 4,500 crores. Reports have indicated a remarkable over-achievement of these targets with 16.5 million families assisted, involving a total investment of Rs. 4,762.78 crores. It is also a matter of satisfaction that the IRDP has accorded a high priority to the coverage of Scheduled Castes and Scheduled Tribes who were to constitute 20% of the total number of beneficiary households. In 1981-82, the coverage of Scheduled Castes and Scheduled Tribes was increased to 30% and for the Scheduled Tribes the level of subsidy was enhanced to 50%. It is also gratifying to note that against a target of 45 lakh Scheduled Caste and Scheduled Tribe families, assistance was extended to 64.63 lakh families. But despite these achievements in terms of physical targets and disbursement of targeted allocations, the actual impact on the socio-economic life of the rural poor, especially the Scheduled Castes and Scheduled Tribes has not been very satisfactory. Evaluation studies conducted by organisations like NABARD, PEO of the Planning Commission and the RBI etc. have revealed that the benefits proposed under the programme have reached barely 38% of the rural poor and that a large percentage of those assisted still continue to live below the poverty line. The Commission has also studied the working of the IRDP during the course of its tours and has observed that although the programme has the potential to be a major instrument for removing poverty, its performance on the whole has been quite disappointing.

6.3 As indicated above the main areas covered by the IRDP schemes were dairy development, sheep, goat and pig rearing, plying of bullock and camel-carts and running of small business ventures and shops etc. Of all these the most popular schemes have been the purchase of milch-cattle and the plying of bullock and

camel drawn carts. The great emphasis on dairy and animal husbandry has been mainly due to the belief that these are most suitable for the marginal farmers and the landless labourers who comprise the bulk of the rural poor. But in most cases these schemes have failed to raise the incomes of the beneficiaries above the poverty line. A survey conducted by the Kerala Planning Board in 1981 has revealed that as many as 31% of the beneficiaries were not able to generate any additional income from the newly acquired assets. The marginal and the landless farmer beneficiaries generally faced the problem of non-availability of fodder or availability at very high costs.

6.4 Another survey of Jaipur district revealed that more than half the number of those assisted in purchasing milch-cattle lost them within 2 years, either due to mortality or as a result of sale, and only about 45.7% continued to keep them. These households also faced difficulties in the maintenance of their assets because of poor availability or inadequate supply of fodder, particularly during the dry periods.

6.5 In 1983, the State Bank of Hyderabad had conducted a study and found that in Andhra Pradesh, Karnataka and Maharashtra as many as 32% of the registered beneficiaries under the dairy and bullock-cart schemes were fake purchasers of the reported assets. In the case of minor irrigation schemes such instances were as high as 50%. In the case of goat and sheep rearing schemes, large number of fake purchases were detected with only about 3/4th of the beneficiaries continuing to possess their assets. Most of them either lost their animals due to high mortality or sold them off due to extreme adverse conditions generally faced by the landless. The high rates of mortality and the poor quality or low level of yield from the animals were generally due to the selection of poor quality of livestock.

6.6 In Gujarat, as many as 22% of the Scheduled Tribe households, who were given assistance for the purchase of milch-cattle seemed to have lost these animals in less than 2 years. It was generally the middle income groups amongst the poverty level households who had actually benefited from these schemes.

6.7 A NABARD study revealed that in most of the States comparatively poor quality or low yielding milch cattle were provided, as it was not possible to make high yielding breeds available in adequate numbers. Moreover, the lack of veterinary support, failure on the part of foreign breeds acclimatising to local conditions, and non-availability of green fodder resulted in high mortality of the milch-cattle that were provided under these schemes. The mortality rates

amongst the sheep and goats provided under these schemes have also been high because of disease, lack of proper shelter from inclement weather, an inadequate veterinary services. Another distressing feature of these schemes was that the Insurance Services were more or less non-existent.

6.8 The Canara Bank had conducted a study in Tamil Nadu in 1984 and found that only 28% of the beneficiaries actually managed to improve their condition through their newly acquired assets and the rest had either sold their animals or lost them due to drought conditions.

6.9 The schemes for promotion of cottage industries and small business ventures also showed poor results due to the shortages of raw material and lack of entrepreneurial skill amongst the poor.

6.10 On the basis of such indicators, therefore, the overall picture that emerges regarding the working of the IRDP is quite dismal. In fact the PEO's study report of May 1985 reveals that only about 8% of the beneficiaries from the sample taken by them, having incomes below Rs. 1,500 per annum had crossed the poverty line. The remaining 92% and 80% of beneficiaries who were from the income group of Rs. 1,500-2,500 were "still struggling to reach the income level of Rs. 3,500 per annum". The shortcomings are generally attributed to administrative failures like wrong identification of beneficiaries of the wrong selection of schemes. There have also been other factors like :

- Lack of proper infrastructure in the rural areas for providing the necessary supply of inputs for the schemes and adequate marketing outlets etc.
- Failure to carry out proper surveys of the target households.
- Too much emphasis laid by the implementing machinery on the achievement of physical targets without proper concern about factors necessary for ensuring successful implementation of the various schemes introduced under the programme. In fact most of the State Governments have not even followed the detailed guidelines issued by the Central Government.
- Lack of adequate attention to TRYSEM as an integral part of the IRDP.
- Lack of a pragmatic approach.

6.11 The wrong selection of beneficiaries has proved to be a major set-back. The guidelines issued by the Ministry of Rural Development have provided operational definitions for the identification of all target groups viz. small farmers, marginal farmers, agricultural labourers and non-agricultural labourers/others. But the block and village functionaries and also the non-official bodies such as 'gram sabhas' do not appear to be sufficiently conscious of their responsibility to carefully and impartially assess the incomes of the prospective beneficiaries. Incorrect assessment of incomes had led to many undeserving households managing to corner the benefits meant for the genuinely poor. The Evaluation Report of the PEO of the Planning Commission (May 1985) in fact revealed that out of a sample of 1170 beneficiaries selected as many as 202 were already above the poverty line. Another evaluation of the programme carried out by the Department of Rural Development in 60 districts showed that the benefits went predominantly to the less poor. Out of 2266 beneficiaries surveyed, only 10% had annual incomes of less than Rs. 1000 and 50% had incomes of Rs. 2,000 to Rs. 3,000 and the remaining 40% had incomes between Rs. 1,000 and Rs. 2,000. It is essential to ensure that the benefits of the anti-poverty programmes reach first those households which are already below the poverty line and even amongst them priority should be given to the "poorest of the poor".

6.12 In their enthusiasm to over-achieve the prescribed physical targets, local administrations often forged upon beneficiary households stereotyped schemes irrespective of their suitability to local conditions or specific aptitudes of the recipients. This was observed during the course of a 'Padayatra' in Uttar Pradesh undertaken by Ven'ble Lama Lobzang, Member of this Commission, in October/November, 1985. Sizeable funds were utilised on milch-cattle schemes without ensuring proper arrangements for the supply of supporting services like cattle feed, veterinary care and other extension services like marketing of milk, dairy education or the existence of proper infrastructure for maintaining livestock. The lack of basic knowledge regarding the upkeep of cattle, along with the cumbersome procedures of insurance and the indifferent attitude of the veterinary staff to issue post-mortem certificates are some of the factors which have combined to bring about the failure of the scheme. Hence there is a strong need for the implementing agencies to first work out the feasibility of the specific projects proposed to be taken up in their areas. The effort should be to promote those schemes for which the necessary infrastructure is available and those which the local people are spontaneously willing to implement when provided with

financial help by way of subsidy and bank loans. The experience with the IRDP during the Sixth Five Year Plan has actually shown that the strategy of helping the rural poor to cross the poverty line by helping them to acquire productive assets has suffered from the lack of a pragmatic approach. Many of the 'very poor' households belong either to the aged or the handicapped, or those without any land, and such categories lack both enterprise and the risk-bearing capacity. Their immediate requirement is for wage-income that can provide respite from hunger. Aptitudes for self-employment projects that can generate regular incomes can only be developed after the concerned beneficiaries have been liberated from hunger and starvation. Hence a more practical approach towards alleviation of poverty in the rural areas would be to first create a certain level of wage-employment. The government subsidy and financial assistance that is provided under the IRDP are meant to ensure better viability of self-employment schemes. These facilities should not be allowed to lure the poor and the inexperienced to incur liabilities that may impoverish them further. For those who are too poor to own any land or too ignorant and inexperienced to have their own income generating ventures the better strategy would be to give them benefits through the wage earning programmes like the National Rural Employment Programme (NREP) and the Rural Landless Employment Guarantee Programme (RLEGP).

6.13 The National Rural Employment Programme (NREP) was launched in October 1980 replacing the earlier Food for Work Programme. This programme envisages the generation of additional employment opportunities in the rural areas of about 300 to 400 million mandays every year and if properly implemented it has the potential to develop the much needed rural infra-structure.

6.14 During the Sixth Plan, an outlay of Rs. 1620 crores in both Central and State sectors was provided. The actual releases, however, amount to Rs. 1873 crores. The financial and physical performance for the Sixth Plan period are as under :

| Year | Utilisation | Utilisation | Employ- |
|------------------|--------------|-------------|------------|
| | cash funds | foodgrains | ment |
| | (Rs. crores) | (Lakh MTs) | generation |
| 1 | 2 | 3 | 4 |
| 1980-81 . . . | 225.28 | 13.34 | 413.58 |
| 1981-82 . . . | 318.48 | 2.33 | 354.52 |
| 1982-83 . . . | 396.12 | 1.72 | 351.20 |
| 1983-84 . . . | 392.89 | 1.47 | 302.76 |
| 1984-85 . . . | 501.48 | 1.71 | 353.12 |
| Sixth Plan . . . | 1834.25 | 20.57 | 1775.18 |

The Commission has observed that the NREP has had a substantial impact in stabilising wages in the rural areas, and in containing the prices of food-grains. This programme has also created a wide variety of community assets and helped in raising the levels of living the rural population.

6.15 The other programme, namely, Rural Landless Employment Guarantee Programme (RLEG) was launched in August 1983 through which it was intended to tackle the problem of rural poverty and unemployment in a more direct manner. The basic objective of the RLEG was to improve and expand employment opportunities for the rural landless for at least one member of every landless household for 100 days in a year. Like the NREP, this programme also aimed at creating durable assets that would strengthen the rural infra-structure and lead to rapid growth of the rural economy. Under this programme a provision of Rs. 499.97 crores was made with the objective of generating 360 million mandays for the remaining period of the Sixth Plan. Out of this an expenditure of Rs. 384.74 crores was incurred leading to the generation of 262.75 million mandays of employment. The Scheduled Castes and Scheduled Tribes are generally the major beneficiaries in this programme as priority is given to works in the backward areas having a predominant population of landless labourers particularly the Scheduled Castes and Scheduled Tribes. These programmes also give adequate weightage to the Scheduled Castes and Scheduled Tribes in the matter of allocation of resources as 10 per cent of the resources are earmarked for works of direct or exclusive benefit to the Scheduled Castes and Scheduled Tribes, and 20 per cent for social forestry. For the very poor, therefore, the employment possibilities that can be made available through the National Rural Employment Programme (NREP) and the Rural Landless Employment Guarantee Programme (RLEG) would be more effective than the IRDP, as the former would provide immediate relief from abject poverty. Moreover as mentioned above, it is very essential to first create a certain level of infra-structure that is absolutely necessary for ensuring the effective implementation of the IRDP. The Commission would therefore recommend that the whole problem of rural poverty be viewed in its right perspective with a balanced evaluation of the experience under the Sixth Five Year Plan in order to work out the most practical and effective approach to eradicating (rural) poverty. The problem of rural poverty is complex in nature and cannot be tackled without a multi-pronged approach. There is need for a proper integration of NREP and RLEG with IRDP. By itself alone the IRDP should not be forced upon the very poor. In fact it would be

more advisable to ensure that only those amongst the poor who have the ability and the will to do so, are given the financial assistance under the IRDP to acquire income generating assets. Others who can only provide labour or possess only the ability to perform unskilled work should be benefited under the wage-employment programmes. The Commission therefore attaches great importance to the employment generating programmes which can not only tackle the problem of under-employment but also bring more purchasing power into the rural economy. With the flow of money through the wage-employment programmes the demand of the rural population is likely to increase thereby creating more opportunities for marketing of the locally produced goods and services. The Commission is also of the view that the implementation of the employment generating schemes in relative isolation of the IRDP would detract considerably from their potential to overcome poverty. At the block and village levels, therefore, more thorough and co-ordinated planning should be taken up on the basis of bench-mark surveys which would ensure a proper assessment of the actual number of the persons below the poverty line needing wage-employment, and those capable of running self-employment ventures. The local or village level plans should properly dovetail the requirements of the two categories so identified, and promote only those schemes that can meet the requirements of the local areas.

6.16 As already pointed out the lack of proper infra-structure and supporting facilities at the grass-roots level can severely frustrate the efforts being made to reduce poverty. For the self-employment schemes to succeed there should be a strong market link for their produce. Stereotyped schemes for purchase of milch-cattle and animal-drawn carts cannot succeed equally everywhere. The schemes should be modified on the basis of local conditions and local talents in order to ensure success in specific areas. In areas traditionally known for certain activities like handloom-weaving or pottery-works the administration should ensure the availability of raw material and the organisation of adequate markets, while helping the artisans with government subsidy and bank loans. For such groups construction of shops can also be taken up under the NREP and RLEG which activity would also provide wage-employment to the landless unemployed.

6.17 As an important component of the IRDP a special training scheme viz., Training of Rural Youth in Self Employment (TRYSEM) was also introduced in August 1979. The main objective of this programme was to train local youth at the block levels in order to improve their skills and impart to them basic knowledge of running enterprises so as to enable

them to take up self-employment schemes under the IRDP with ease. The TRYSEM programme provides a complete package of services that cover training expenses, supply of raw material, tool-kits and stipend to the trainees. The implementation of the TRYSEM programme was also found to be defective in many areas, as the selection of the youth and the organisation of training were not in accordance with the Central guidelines on the subject. In several parts, the administrative machinery failed to carry out proper techno-economic surveys of the area in order to determine the schemes that would be more suitable and viable. The selection of the trainees was done in a haphazard manner and financing institutions were generally not involved in the identification of the trainees or in the formulation of schemes for them. Targets were generally achieved by launching special campaigns to impress visiting dignitaries, and the banks were persuaded or pressurised to publicity issue loans to the selected candidates. Thereafter there would be no follow-up both in regard to the youth trained under these programmes or the households benefited by the government subsidy and the bank loans. It is not only essential to ensure that wherever the skills are poor, training of local youth under TRYSEM in the appropriate fields is effectively organised, but that alongwith this the IRDP schemes are so formulated as to provide proper avenues for self-employment. The provision of stipend and of tool-kits can be combined to facilitate the purchase of assets in such a way as to reduce the burden of the bank loan on the individual beneficiary.

6.18 In several States where women have been trained in tailoring and sewing under TRYSEM programmes their stipend money has gone towards the purchase of sewing machines so as to minimise the extent of bank loan required for the same. However, even in the case of such well initiated schemes, lack of follow-up action in ensuring that the TRYSEM trainees continue to use their newly acquired skills on commercial basis, either by getting orders for tailoring garments or by way of linkages with production centres has proved to be counter productive. There are a large number of voluntary agencies operating in the field for the benefit of the destitute women and unemployed youth etc. The Commission would recommend the involvement of such voluntary agencies with the TRYSEM and IRDP in order to provide marketing links, and to ensure that training imparted can be of lasting benefit to the local people and enable them to improve their economic condition.

6.19 Apart from misclassification or wrong selection of beneficiaries, inadequate or weak infra-structure and supporting facilities, the levels of investment

under various schemes have also been found to be inadequate for raising the beneficiary households above the poverty line except perhaps for such beneficiaries who belonged to the upper segment of the poverty level. Considering the magnitude of rural poverty and the huge requirement of investment in the rural area, the important role of credit flow can hardly be over-emphasised. The IRDP envisages institutional credits to the extent of four times of government subsidy, but it has been observed that the banks are still not fully alive to their responsibility in this effort. It has been found that the banks still insist that the beneficiaries should furnish security/collateral despite RBI guidelines, and they have generally succeeded in rendering proper schemes non-viable either by causing delays in the disposal of loan applications or by under-financing and fixing short repayment periods. The banks still prescribe cumbersome procedures and a large number of forms to be filled up, as a result of which the daily wage earners lose several mandays of labour to complete these processes. The Commission is strongly of the view that regular monitoring of the use of rural credit should be an important feature of the credit-delivery system. A system of regular follow-up is as much in the interest of the individual beneficiary as it is for the financing institution. The rigid attitude of the banks in insisting upon security/collateral despite the RBI guidelines needs to be completely changed. To overcome these weaknesses specific improvements have been introduced in the IRDP for the Seventh Plan like upward revision of the poverty level definition to Rs. 6400 and annual income of Rs. 4800 for selection of beneficiaries. The present system of concurrent evaluation in 36 districts every month would also lead to closer monitoring of the programme for corrective midstream action.

6.20 The Commission agrees with the general view that animal husbandry schemes are more suitable for the rural areas. However, a large number of such schemes have failed due to lack of suitable infrastructure, failure of inputs and non-availability of marketing outlets. Therefore it would be worthwhile for the State Governments to consider operating special centres that can provide the required infra-structure including veterinary assistance, fodder supply (on payment) and also a market link. The Command Area Development (CAD) organisations are understood to have the scheme of Growth Centres and the Command Area Development Authorities (CADAs) of Uttar Pradesh have set up several such centres with the specific objective of providing the necessary supporting facilities and also the market link. In order to assist the unemployed youth from the weaker sections of society, the Sharda Sahayak Command Area Development Authority (CADA) has set up a Poultry Estate with the capacity to house 20,000 layers using

modern technique of Californian type of cages. The estate has a brooding capacity for 5,000 birds and all the required infra-structure of water, electricity, egg-storage, laboratory, feed-godown etc. The input requirements by way of feed, medicines etc. are also made available to the poultry breeders who are first initiated into poultry-keeping through TRYSEM programmes. The Centre facilitates poultry-keeping at its premises by 20 youth at one time, and the project is so formulated as to ensure them a monthly income of Rs. 1000. In addition, there is a provision for training several others in making poultry-feed required by the Centre and in marketing of the eggs produced there; and such individuals also earn at least Rs. 1000 per month. There is need for increasing the number of such complexes which can be constructed through the NREP/RLEGP, as this would also provide wage-employment to the very poor. As the growth centres would have the necessary infra-structure they could take care of all the requirements of the animal husbandry schemes through the concerned departments. Other instances of integration of the various poverty alleviation programmes have been found in the excavation or renovation of tanks under NREP/RLEGP for running fishery schemes by IRDP beneficiaries.

6.21 Although there have been many such instances of local initiative at judiciously combining the major antipoverty programmes for maximum benefit, there is need for a wider application of this strategy. The Commission would recommend that more and more such centres in the tribal areas and also for Scheduled Caste 'bastis' may be set up with funds from the NREP, RLEGP, TRYSEM and IRDP in order to ensure suc-

cessful implementation of schemes involving dairy-farming, poultry-keeping and fisheries etc. The administrative machinery needs to be activated to work more realistically and less in a routine and rigid fashion. The machinery for and the procedures followed for identifying the beneficiaries need to be revamped to ensure that deserving households come under the coverage of the programme. More attention is required to be paid to working out viable schemes of assistance based on local conditions. The implementing agencies would have to be less rigid and more pragmatic. Unless programmes are conceived imaginatively no meaningful assistance can be given. Adequate attention does not appear to have been paid to creating sufficient links with other programmes and their implementing departments. Thus the various programmes are being implemented in relative isolation causing much confusion at the field level. A greater involvement of active non-government agencies can contribute considerably towards achieving more positive results from the various programmes. Bank loan procedures need to be simplified and the bank officials motivated to becoming less rigid and bureaucratic in their approach.

6.22 Too much emphasis on achievement of physical targets has clearly proved to be counter-productive. The system of regular reviews recently introduced is expected to help considerably in giving realistic evaluations and facilitate mid-stream corrections. The Commission would therefore emphasise the need for an effective reporting system which should be linked with periodic appraisals of the anti-poverty programmes and their impact at the field level.

New Delhi
Dated the

(D. L. Baitha—Member)
(Venerable Lama Lobzang—Member)
(R. C. Chiten Jamir—Member)
(Bheekha Bhai—Chairman)

CHAPTER VII

RECOMMENDATIONS

| Sl. No. | Recommendation | Reference(s) | |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| | | Para No.(s) | Page No.(s) |
| 1 | 2 | 3 | 4 |
| | 1. The Government should confer on the Commission for Scheduled Castes and Scheduled Tribes, Constitutional status and vest it with the powers of a Commission of Inquiry under the Commissions of Inquiry Act, 1952. Although this recommendation has already been brought out by the Commission in successive annual reports the same is reiterated here as the Commission is facing considerable difficulty in doing its best without the required status/power. | 1.7 | |
| | 2. The experience of the Commission in getting information relating to implementation of Constitutional safeguards for Scheduled Castes and Scheduled Tribes from State Governments has been far from satisfactory. The State Governments are, therefore, urged to supply the requisite information speedily. | 1.6 | |
| | 3. The actual representation of SCs & STs in the Public Sector Undertakings as on 1-1-85 revealed that the prescribed quota of their reservation has been fully achieved in group C&D posts. The Commission, however, has observed that the representation of both SC's & ST's in group A and B posts has persistently been below the prescribed quota and would, therefore, recommend that the Bureau of Public Enterprises should take special steps to achieve the desired results. | 2.6 | |
| | 4. The actual representation of SCs and STs in service is unfortunately poor in all the States and the Commission in its Seventh Annual Report has already urged that specific measures like launching of special recruitment drives be taken up to improve the intake position of SCs/ STs in all groups of posts. This recommendation is reiterated. | 2.9 | |

| Sl. No. | Recommendation | Reference(s) | |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| | | Para No.(s) | Page No.(s) |
| 1 | 2 | 3 | 4 |
| | 5. In Rajasthan, the SCs & STs were not exempted from payment of application and examination fees. The Commission would urge that the Rajasthan Government and other State Governments who have not granted this concession to SCs/ STs, should take prompt action so that SCs/STs are not deprived of the benefits which have been granted to their counterparts in the other States. | | 2.10 |
| | 6. The Commission has observed that the Rajasthan Government has not made any provision for nominating a SC/ST officer as a Member of the Recruitment Boards/Departmental Promotion Committees on the plea that Liaison Officers were appointed in each department to look into the interests of the SCs/ STs. Since the role and functions of the Liaison Officers are different and they are not available in the Interview Boards to protect the interests of the SCs/STs. It is necessary that such Selection Boards/ DPCs including the State Public Service Commissions should have one member representing the SCs/ STs. | | 2.11 |
| | 7. The reservation rules of Rajasthan Government do not provide for carrying forward the reserved vacancies and exchange of reserved vacancies between SCs and STs. This is not a correct view and goes against the interests of SCs/STs. It is, therefore, necessary that the vacancies reserved for SCs be exchanged for STs and vice versa after carrying them forward for three recruitment years, and a provision to this effect should be made by the State Government in its reservation rules. | | 2.12 |

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| 8. | The Commissioner for Public Enterprises, Kerala conducted a study of 83 Public Sector Undertakings in the State and suggested measures to achieve the required quota of representation of SCs & STs in services. The Commission, would recommend that the suggestions made by the Commissioner for Public Enterprises, Kerala to improve the intake position of SCs and STs in services may be implemented in true spirit and that the desired quota of reservations should be fully achieved. Other States may also consider similar arrangements for improving the intake of SCs and STs in their Public Sector Units. | 2.13 | |
| 9. | In the Seventh Annual Report the Commission recommended implementation of low-cost housing schemes. Amongst other things the Commission also urged that the State Government should <i>suo-moto</i> examine the living and working conditions of sweepers and scavengers from time to time and take appropriate action to remedy the short-comings. The recommendations is hereby reiterated. | 2.14(3) | |
| 10. | The Government should take effective steps to end false representations as SCs & STs and such cases could be numerous-leading to large scale misuse of benefits and bringing disrepute to the policy of reservations. The government should also devise measures to give priority in reservation to the weakest among the weaker sections of SCs and STs and simultaneously call upon the economically and socially better off among the SCs and STs to voluntarily abstain from claiming benefits. | 2.15(1) | |
| 11. | In the Bhilai Steel Plant no reservation was provided for SCs/STs in allotment of residential accommodation. This is against the guidelines issued by the Government of India and it is necessary for the management to ensure implementation of the same by providing reservation to SC/ST employee in allotment of residential accommodation. | 2.18 | |
| 12. | Although a large number of employees of the Bhilai Steel Plant were assisted under the Housing Loan Scheme, no SC employees were benefited under this scheme. The management should look into | 2.18 | |

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| | | the matter and ensure that the facility of the Housing Loan Scheme is extended to the SC/ST employees on a priority basis. | |
| 13. | The Commission holds the view that the penal provision of the PCR Act, 1955 play but a limited role in dealing with the problems of untouchability. The Commission, therefore, recommends that more concerted effort be made in dealing with the problem of untouchability by all Government agencies at various levels. The official machinery is required to be made to feel more responsible to and involved in the task of eradication of the practice of untouchability. Firm handling by the official machinery coupled with building up of a strong public opinion against the virus of untouchability is essential. | 3.3 | |
| 14. | In order to ensure that maximum number of offenders under the provisions of the PCR Act are punished, it would be advisable for the States to consider introduction of incentive schemes for police officials and other Government functionaries whose performance is considered laudable in matters of proper registration of cases, flawless investigation and resolute prosecution ending in conviction. Recording of good remarks in the Annual Confidential Reports of the dedicated and conscientious workers could be one such incentive. | 3.4 | |
| 15. | It is necessary to find out ways and means to bring about a change in the mental out-look and social attitudes of the people in general. To achieve this objective, Government could do well to involve, besides the voluntary organisations, selected educational and research institutions for carrying out broad-based surveys to locate the areas where untouchability is being practised. They could also play a significant role in launching campaigns for the education of the masses and in providing effective leadership to Scheduled Castes to help them stand up for their rights. Necessary changes also need to be introduced in the educational system by way of incorporating suitable reading material at the primary and middle school levels. Adequate propaganda and publicity | 3.5 | |

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through mass media *viz.*, radio, T.V., press and cinema and also through debates, seminars, symposia, 'prabhat pheris' and 'padyatras' could prove to be quite useful. Community feasts along-with members of the Scheduled Castes and inter-caste marriages need to be further encouraged. Since attitudes tend to get hardened with the advancement of age, it would be useful to include suitable lessons or chapters in the syllabi meant for educating adults at the Adults Education Centres. Government may also consider taking suitable remedial action with regard to objectionable portions, if any, in scriptures, books or other publications explicitly or implicitly advocating any kind of discrimination on grounds of caste.

16. The programmes meant for economic advancement of the Scheduled Castes need to be implemented in such a manner that they, in the process, also ensure the absorption of the Scheduled Castes into the mainstream of society.

17. The victims and the witnesses summoned by police or the courts should be paid wages for the days of attendance so that they are not reluctant in pursuing the matter.

18. The State Governments should view the need to establish the Special Courts with earnestness and ensure that they function as specialised and exclusive agencies of justice as envisaged in the PCR Act. The Special Courts should be mobile and equipped adequately with the requisite ancillary staff and facilities so as to ensure that justice is neither delayed nor denied to the poor and down-trodden victims belonging to the Scheduled Castes and Scheduled Tribes.

19. Necessary amendments in the Indian Penal Code on the lines of Section 10 of the PCR Act, 1955 should be made to hold the police and/or the prosecuting officers responsible for abetment of the offences which they investigated/prosecuted if they are found lacking or wilfully negligent in the discharge of their duties. This would ensure that police/prosecuting officers discharge their duties faithfully and according to law.

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20. Section 3(1)(b) of the Minimum Wages Act may be amended to make it obligatory for the States/UTs to review and revise the rates of minimum wages at least once in two years or on a rise of 50 points in the CPI number, whichever is earlier. While fixing the rates of minimum wages, the State Government/UT Administrations should keep in mind the rates of minimum wages fixed by the neighbouring States/UTs so that the disparity in wages prevailing in the region is removed to the extent possible.

21. The vigilance committees at various levels should undertake block-wise and panchayat-wise surveys and ensure that not a single bonded labourer is left unidentified. This should be followed up by comprehensive rehabilitation of the bonded labourers identified and freed in order to prevent them from relapsing into bondage. Intensive surveys would have to be carried out particularly in areas that are known for their economic backwardness and prevalence of feudal order. The prosecution of the violators of the Act is required to be pursued with speed.

22. For coordinating the activities of various financial institutions and government agencies involved in the rehabilitation of the released bonded labourers, the States should make a single agency/authority responsible for looking into all the aspects of rehabilitation so that assistance given to the beneficiaries is fruitfully utilised and back-up service provided till such time as the beneficiaries become fully self-reliant.

23. The Outlays under SCPs should be in proportion to the percentage of SC population in the States. The Commission would accordingly urge that no efforts should be spared to scrutinize the so-called 'non-divisible' sectors which can yield to some quantification of funds in order to benefit the SCs under specially designed programmes.

24. The Government of India may not only stress before the State Governments and UT Administrations the need for a proper and meaningful utilisation of SCA funds but also have more effective control and supervision in regard to the release and utilisation of these funds. It

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is essential that the Government examine in detail the areas in which SCA funds are proposed to be utilised by the Governments/UT Administrations.

25. While it may be too early to assess the impact of poverty alleviation programmes undertaken during the year 1985-86, the Government of India may specially direct the States to assess the impact of these programmes implemented by SCDCs during the Sixth Five Year Plan.

26. Keeping in view the poor economic status of the tribals, the per capita investment for them should be of a much higher order than that of the general population.

27. The States which have not quantified funds in accordance with the percentage of ST population should do so in the remaining years of the Seventh Five Year Plan.

28. The Commission would like to stress the need for adequate and specific provision of funds for schemes aimed at the development of tribals by all Central Ministries/Departments.

29. The election to 'gram panchayats' in the various TSP States should be institutionalised on the lines of election to Parliament and State Legislative Assemblies. No scheme should be cleared without the concurrence of the representatives in the gram panchayats. It should also be ensured that the implementation of this arrangement does not erode traditional tribal institutional structure.

30. For educational development, allocation on education sector should atleast be 6% of the total national outlay so that the programmes of universalisation of education, improvement in retention rate among the SCs/STs, involvement of local agencies and special efforts towards increasing tribal female literacy are implemented with fair measure of success.

31. It is essential to ensure that the benefits of the anti-poverty programmes reach first those households which are already below the poverty line and even amongst them priority should be given to the poorest of the poor.

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32. There is a strong need for the implementing agencies to first work out the feasibility of the specific projects proposed to be taken up in their areas.

33. A more practical approach towards alleviation of poverty in the rural areas would be to first create a certain level of wage employment. The government subsidy and financial assistance that is provided under the IRDP are meant to ensure better viability of self-employment schemes. These facilities should not be allowed to lure the poor and inexperienced to incur liabilities that may impoverish them further. For those who are too poor to own any land or too ignorant and in-experienced to have their own income generating ventures the better strategy would be to give them benefits through the wage earning programmes like the National Rural Employment Programme (NREP) and the Rural Landless Employment Guarantee Programme (RLEGP).

34. For the very poor, the employment possibilities that can be made available through the National Rural Employment Programme (NREP) and the Rural Landless Employment Guarantee Programme (RLEGP) would be more effective than the IRDP, as the former would provide immediate relief from abject poverty. It is very essential to first create a certain level of infrastructure that is absolutely necessary for ensuring the effective implementation of the IRDP. The Commission would, therefore, recommend that the whole problem of rural poverty be viewed in its right perspective with a balanced evaluation of the experience under the Sixth Five Year Plan in order to work out the most practical and effective approach to eradicating (rural) poverty.

35. The Commission is of the view that the implementation of the employment generating schemes in relative isolation of the IRDP would detract considerably from their potential to over-come poverty. At the block and village levels, therefore, more thorough and coordi-

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| nated planning should be taken up on the basis of bench-mark surveys which would ensure a proper assessment of the actual number of the persons below the poverty line needing wage-employment, and those capable of running self-employment ventures. The local or village level plans should properly dovetail the requirements of the two categories so identified, and promote only those schemes that can meet the requirements of the local areas. | | | |
| 36. Lack of proper infrastructure and supporting facilities at the grass-roots level can severely frustrate the efforts being made to reduce poverty. For the self-employment schemes to succeed there should be a strong market link for their produce. Stereotyped schemes for purchase of milch-cattle and animal-drawn carts cannot succeed equally everywhere. The schemes should be modified on the basis of local conditions and local talents in order to ensure success in specific areas. In areas traditionally known for certain activities like handloom-weaving or pottery-works the administration should ensure the availability of raw material and the organisation of adequate markets, while helping the artisans with government subsidy and bank loans. For such groups construction of shops can also be taken up under the NREP and RLEGP which activity would also provide wage-employment to the landless unemployed. | 6.16 | | |
| 37. It is not only essential to ensure that wherever the skills are poor, training of local youth under TRYSEM in the appropriate fields is effectively organised, but that along-with this the IRDP schemes are so formulated as to provide proper avenues for self-employment. The provision of stipend and of tool-kits can be combined to facilitate the purchase of assets in such a way as to reduce the burden of the bank loan on the individual beneficiary. | 6.17 | | |

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| 38. There are a large number of voluntary agencies operating in the field for the benefit of the destitute women and unemployed youth etc. The Commission would recommend the involvement of such voluntary agencies with the TRYSEM and IRDP in order to provide marketing links and to ensure that training imparted can be of lasting benefit to the local people. | | 6.18 | |
| 39. Regular monitoring of the use of rural credit should be an important feature of the credit-delivery system. A system of regular follow-up is as much in the interest of the individual beneficiary as it is for the financing institution. The rigid attitude of the banks in insisting upon security/collateral despite the RBI guidelines needs to be completely changed. | | 6.19 | |
| 40. Growth centres in the tribal areas and also for Scheduled Caste 'bastis' may be set up with funds from NREP, RLEGP and IRDP in order to ensure successful implementation of schemes involving dairy-farming, poultry-keeping and fisheries etc. | | 6.20 | |
| | | & | |
| | | 6.21 | |
| 41. A greater involvement of active non-government agencies can contribute considerably towards achieving more positive results from the various programmes. | | 6.21 | |
| 42. Bank loan procedures need to be simplified and the bank officials motivated to become less rigid and bureaucratic in their approach. | | 6.21 | |
| 43. Too much emphasis on achievement of physical targets has clearly proved to be counter-productive. The system of regular reviews recently introduced is expected to help considerably in giving realistic evaluations and facilitate mid-stream corrections. The Commission would, therefore, emphasise the need for an effective reporting system which should be linked with periodic appraisals of the anti-poverty programmes and their impact at the field level. | | 6.22 | |

ERRATA

| Page No. | Para No. | Line | For | Read |
|-------------------------------------------------------------|-------------------------------------|-----------------------------|------------------------------------------------------------------|------------------------------------------------------------------|
| 2 | 1.6 | 1 | in | is |
| 9 | 2.2 | 5th from bottom of the page | states | States |
| 11 | 2.2 | 11th from top | 2.2 | 2.8 |
| 11 | 2.8 (portion relating to Sikkim) | 15th | 27.79 per | 27.79 per cent |
| 13 | 2.14.4 | 5th from top of page | India Oil | Indian Oil |
| 14 | 2.14.8 | 14th | for | , |
| 23 | 3.3 | 8 | by...Government agencies' | by all Government agencies |
| 25 | 3.10(c) | 2 | office(s) | officer(s) |
| 39 | 4.23 | 27 | of | or |
| 41 | 4.32 | headline | Implementation of the bonded labour system (abolition) Act, 1976 | IMPLEMENTATION OF THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976 |
| 41 | 4.33 | 12 | greated | greater |
| 67 | 5.1 | 6th | Scheduled Caste | Scheduled Castes |
| 67 | 5.1 | 9th | developments . | development |
| 68 | 5.8 | Last | 93 87 | 93.87 |
| 68 | 5.9 | Top line of the page | if | it |
| 70 | 5.16 | 5th | stated | started |
| 70 | 5.16 | 14th | Individuals | individuals |
| 72 | 5.30 | 8th line | training | turning |
| Portion relating to Education of Scheduled Tribes item (ii) | | | | |
| 84 | 6.10 | 12 | of the | or the |
| 85 | 6.12 | 3 | forged | forced |
| 86 | 6.14 | 6 | living the | living of the |
| 86 | 6.15 | 16 | expenditure | expenditure |
| 87 | 6.17 | 19th from top of page | publicity issue loans | publicise issue of loans |
| 88 | 6.20 | 24 | ranks | tanks |
| 89 | 3 | 8 and 9 | SC's and ST's | SCs and STs |
| 89 | 5 | 11 | the | to be deleted |
| 89 | 6 | 14 | It | it |
| 90 | 10 | 3 | and | as |
| 90 | 11 | 9 | employee | employees |
| 90 | 13 | 2 | provision | provisions |